

**TITLE 23
OF THE
SAN JOSE MUNICIPAL CODE**

SIGN ORDINANCE

The Sign Ordinance, No. 24201, was adopted November 10, 1992 and became effective December 11, 1992. This edition incorporates all ordinances amending Title 23 of the Municipal Code through Ordinance No. 27034, effective January 16, 2004.

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CHAPTER 23.02

GENERAL PROVISIONS

Part 1

DEFINITIONS

23.02.010 Definitions Govern.

Except where the context otherwise requires, the definitions set forth in this part shall govern the construction of the provisions of this Title 23.

23.02.020 Airport Parcel.

“Airport parcel” means a unit of land located in the Airport Sign Zone and leased to a tenant on an exclusive basis. All other land within the Airport Sign Zone is considered to be one parcel for purposes of this Title only.

23.02.030 Alteration of a Sign.

“Alteration of a sign” means any change in the sign other than a change in the message.

23.02.040 Animated Sign.

“Animated sign” means a sign having action, motion, movement, changeable copy, or flashing color changes that are activated by electrical energy, electronic energy or other manufactured sources of energy supply, but not including wind-activated movement such as in flags, banners or pennants, or mechanical movement signs. Animated signs include grids of flashing lights or mechanical elements in patterns that give the perception of movement, as in chasing lights or programmable displays. For purposes of this Title, an animated sign shall not be considered a mechanical movement sign if the only mechanical movement in the sign relates to the movement of grids to produce programmable displays.

23.02.050 Area of Sign.

“Area of sign” or “sign area” means the total area of the message surfaces of a sign computed as provided in Section 23.02.910.

23.02.060 Attached Sign.

“Attached sign” means a sign which is either a part of a building or other improvement, or is attached to a building or other improvement. A sign shall be considered to be attached to a building or other improvement only if the sign would fall without support from the building or improvement. Attached signs include, without limitation, flat-mounted signs and projecting signs.

23.02.070 Awning Sign.

“Awning sign” means a sign on an awning. Awnings include canvas coverings as well as permanent, projecting canopies.

23.02.080 Banner Sign; Banner.

“Banner sign” or “banner” means a sign on cloth or other flexible material which projects from or hangs from a building, pole or wire. Banners include without limitation pennants, flags, cable-hung banners and vertical banners. Depending upon its method of attachment, a banner sign may be a flat-mounted sign, a projecting sign, or a free-standing sign.

23.02.090 Billboard.

“Billboard” means any sign that is either a poster panel or a painted bulletin. A “poster panel” is a sign whose sign area is approximately twelve feet by twenty-five feet. A “painted bulletin” is a sign whose sign area is approximately fourteen feet by forty-eight feet.

23.02.100 Cable-Hung Banner.

“Cable-hung banner” means a single banner, or several individual banners, or individual cutout letters, suspended by cable over a public right-of-way from poles designated for such use by the department of streets and traffic.

23.02.110 Construction Sign.

“Construction sign” means a temporary sign related to construction or remodeling which lists the type of construction or remodeling and the owners, contractors, lenders, architects, engineers or other information related to the project.

23.02.120 Continuous Lighting.

“Continuous lighting” means the illumination of a sign by artificial light or lights which are maintained in a stationary condition and remain constant in intensity and color at all times when the sign is illuminated.

23.02.130 Corner Parcel.

“Corner parcel” means a parcel which abuts two intersecting streets that form an interior angle not greater than one hundred thirty-five degrees.

23.02.140 Corner Triangle.

“Corner triangle” means a triangle of land formed by two intersecting streets, where two sides of the triangle consist of the curblines of the intersecting streets and the third side of the triangle is a straight line drawn between points on each curbline located forty-five feet from the intersection.

23.02.150 Driveway Triangle.

“Driveway triangle” means a triangle of land formed by the intersection of a street and a driveway, where two sides of the triangle consist of the curbline of the street and the abutting edge of the driveway and the third side of the triangle is a straight line drawn between points on the curbline and driveway edge located ten feet from the intersection point.

23.02.160 Erection of a Sign.

“Erection of a sign” means the construction, placement, relocation, enlargement, alteration, posting or display of a sign.

23.02.170 Expansion of a Sign.

“Expansion of a sign” means any increase in any dimension of the sign, the supporting structure or the message surface.

23.02.180 External lighting.

“External lighting” means the illumination of a sign by a light source that is not a component of the sign itself.

23.02.190 Fin Sign.

“Fin sign” means a two-sided projecting sign intended to be viewed from the side.

23.02.200 Flag.

“Flag” means a banner that is the emblem of a governmental entity.

23.02.210 Flat-mounted Sign.

“Flat-mounted sign” means an attached sign mounted flush against or parallel to the surface of a building facade. Flat-mounted signs typically consist of either signage on a background board, signage enclosed within a cabinet or box, or individual letters. Symbols, displays, devices or

graphics painted directly onto a building surface are also included in this category. Plaques are flat-mounted signs which are typically one-piece construction made out of material such as bronze, terra cotta or stone.

23.02.215 Flat Roof-Top Sign.

“Flat roof-top sign” means a flat-mounted sign attached to the roof of a building that is oriented for viewing from places located above the building. Flat roof-top signs shall not be animated signs nor mechanical movement signs.

23.02.220 Footprint.

“Footprint” means the area of the vertical projection of a building on the ground plane and includes open space with at least one building story over such open space but excludes covered walkways without at least one building story over them, eaves and roof overhangs.

23.02.230 Free-standing Sign.

“Free-standing sign” means a sign not attached to a building or other improvement but instead permanently erected upon or standing in the ground and usually supported from the ground by one or more poles, columns, uprights, braces or cement anchors. Free-standing signs include monument signs but do not include portable signs.

23.02.240 Grade.

“Grade” with regard to attached signs means as defined in Section 20.200.510 of Title 20 of this code and, for other signs, means the top of the curb closest to a sign or, if there is no curb, the centerline of the street closest to the sign.

23.02.250 Halolit; Halolighting.

“Halolit” or “halolighting” means illumination of individual letters, numbers or graphics having an opaque surface by the use of internal, reverse illumination where the light source is not directly visible.

23.02.260 Illegal Sign.

“Illegal sign” means any sign not in strict conformity with this Title and not a legal nonconforming sign.

23.02.270 Internal Lighting.

“Internal lighting” means the illumination of a sign by a light source that is fully incorporated into the sign itself.

23.02.280 Light Source.

“Light source” means a device which, when activated (electronically or otherwise), emits light. Light sources include, but are not limited to, incandescent filament bulb, electric discharge bulb, neon tube and fluorescent tube.

23.02.290 Lightbox; Lightbox Sign.

“Lightbox” means an internally illuminated, cabinet-type fixture at a gasoline service station that is usually located above the gasoline pumps and below a canopy structure that is above the pumps; “lightbox sign” means a sign located on a lightbox.

23.02.300 Marquee.

“Marquee” means a projecting sign that is part of a permanent entryway or entry canopy and traditionally associated with theatres. For purposes of this Title, any sign fulfilling the same function as a theatre sign shall be considered a marquee. A marquee sometimes includes a projecting vertical sign which may extend above the cornice line of a building. Marquees may be animated and may include internally illuminated display surfaces for changeable lettering as well as externally mounted lighting. A marquee is not a porte-cochere or a fin sign.

23.02.310 Master Sign Program.

“Master sign program” means a sign plan which identifies the placement, construction, size, materials, colors, method of lighting and other related requirements for those signs that are subject to the plan.

23.02.320 Mechanical Movement Sign.

“Mechanical movement sign” means a sign having parts which physically move, rather than merely appearing to move as might be found in an animated sign. This physical movement may be activated electrically or from another power source but shall not include wind-activated movement such as occurs with flags or banners. For purposes of this Title, mechanical movement signs shall not include any animated sign where the only mechanical movement in the animated sign relates to grids used to produce programmable displays.

23.02.330 Message Surface.

“Message surface” means the surface on a sign from which the message of the sign is visually communicated.

23.02.340 Monument Sign.

“Monument sign” means a free-standing sign not erected on one or more poles or similar supports but erected to rest on the ground or to rest on a monument base designed as an architectural unit with the sign.

23.02.350 Neon Tube Lighting.

“Neon tube lighting” means any sign which includes one or more directly visible neon tube light sources.

23.02.360 Occupancy Frontage.

“Occupancy frontage” means the length of that portion of a building occupied exclusively by an individual tenant or owner and abutting a parking lot or a public right-of-way including, but not limited to, a street, plaza or alley. Occupancy frontage is measured parallel to the property line and at grade.

23.02.370 Parapet.

“Parapet” means the vertical portion of a wall above the roof line abutting the wall.

23.02.380 Parcel.

“Parcel” is defined in Section 20.200.850 of Title 20 of this code.

23.02.390 Portable Sign.

“Portable sign” means a sign not firmly affixed to the ground or to a building and includes, without limitation, “A-Frame” or sandwich board signs.

23.02.400 Porte-Cochere.

“Porte-cochere” means a porch roof or canopy projecting over a driveway, street or sidewalk and providing shelter at the entrance to a building. Flat-mounted signs are sometimes affixed to a porte-cochere.

23.02.410 Programmable Display Sign.

“Programmable display sign” means an animated sign made up of a field of individual electronic elements or mechanical grids that, when programmed and activated, create still or moving images or words. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage.

23.02.420 Projecting Sign.

“Projecting sign” means an attached sign (other than a flat-mounted sign) which projects out from a building or structure and usually has two message surfaces. Projecting signs include without limitation fin signs and vertical projecting signs.

23.02.430 Public Information Sign.

“Public information sign” means a sign which communicates information from the City about public events, events at public facilities or other City information of general interest to the community.

23.02.440 Public Right-of-Way.

“Public right-of-way” for purposes of this Title means a public street, alley, or other public outdoor area such as a plaza or a park.

23.02.445 Public Property.

“Public property” for purposes of this Title means any property owned or controlled by a public entity, including but not limited to:

- A. Recreational areas such as public parks, playgrounds, and gardens;
- B. Public buildings such as libraries, fire stations, auditoriums, theaters and City Hall; and
- C. Public rights-of-way and structures on public rights-of-way, including but not limited to lampposts, utility poles, utility wires, street signs, traffic signs, benches, hydrants, fountains, trees, bushes, public bridges, sidewalks, park strips and curbstones.

23.02.450 Reconstruction of a Sign.

“Reconstruction of a sign” means the rebuilding or making over of the sign or supporting structure from remaining parts.

23.02.460 Relocation of a Sign.

“Relocation of a sign” means the movement of the sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel or elsewhere. Any movement of a sign, no matter how slight, is a relocation.

23.02.470 Roof Sign.

“Roof sign” means a sign which projects above the wall of a building, or is located above the lowest point of a sloped roof, or is attached to a structure located on a roof. As used in this definition, “wall” includes a cornice and/or parapet.

23.02.480 Safety or Directional Sign.

“Safety or directional sign” means:

- A. A sign used by a public agency or public utility and necessary for the safety or welfare of the public, such as but not limited to, “Danger,” “No Entry,” “Condemned,” “Public Telephone” or “Underground Cable”;
- B. A sign displayed for safety purposes, such as but not limited to, “Beware of Dog” or “Danger”; and
- C. A sign which solely directs vehicular and/or pedestrian traffic.

23.02.490 Segmented Sign; Segment.

“Segmented sign” means a sign where the message surface contains deliberate visual demarcations used to divide the message area of the sign into separate message compartments. “Segment” shall mean a separate message compartment in a segmented sign.

23.02.500 Sign.

“Sign” means any structure, display, device, balloon or graphic on or attached to any land, building or structure, which is used to communicate any message, or which advertises or promotes any business, product, activity, person or interest. Signs include, but are not limited to, letters, numbers, words, illustrations, decorations, decals, emblems, trademarks, logos and lights. Signs do not include noncommercial murals otherwise allowed under this code.

23.02.510 Skyline Sign.

“Skyline sign” means a flat-mounted sign located at the top floor of a building which does not project above the higher of the cornice or parapet of the building.

23.02.520 Street Frontage.

“Street frontage” means the property line of a parcel abutting the public right-of-way to which such parcel has a legal right of access.

23.02.530 Supporting Structure.

“Supporting structure” means the supports, uprights, braces and/or framework on which any free-standing sign is mounted, and any guys or anchors used to attach the sign.

23.02.540 Temporary Sign.

“Temporary sign” means a sign placed for a limited duration of time.

23.02.550 Time and Temperature Sign.

“Time and temperature sign” means a programmable display sign programmed to show time and temperature only.

23.02.560 Traffic Control Device.

“Traffic control device” is defined in the state vehicle code.

23.02.570 Unimproved Parcel.

“Unimproved parcel” means:

- A. A parcel without any permanent structures or other permanent improvements; or
- B. A portion of a parcel without any permanent structures or other permanent improvements which is at least five acres in size.

23.02.580 Vertical Banners.

“Vertical banner” means a banner hung or projecting from a banner pole in the public right-of-way designated for such use by the department of streets and traffic.

23.02.590 Vertical Projecting Sign.

“Vertical projecting sign” means a projecting sign located vertically along several floors on the facade of a building. Such signs may be comprised of one continuous vertical sign or several signs that are aligned vertically. Such signs are often intended to be read vertically. For purposes of this Title, vertical projecting signs shall not include vertical projections of marquees.

23.02.600 Window Sign.

“Window sign” means a sign applied directly onto a window or internal to the window within twelve inches of the window and visible from the public right-of-way. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs, and displays of merchandise in windows.

Part 2

GENERAL PROVISIONS

23.02.800 Policy.

- A. Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. They can be lively, colorful and exciting. In enacting this Title, it is the intent of the City of San Jose to promote attractive signage, facilitate traffic safety, promote commerce, and to comprehensively address community aesthetic concerns about visual clutter and visual blight in the environment. The regulation of signs in the City is intended to promote an aesthetically pleasing environment with these concerns in mind. Sign regulation shall be consistent with land use patterns, and signs shall add to rather than detract from the architecture of the buildings where they are located. Signs shall be well maintained and, in addition, shall not create traffic safety hazards. The regulation of signs in the City of San Jose is intended to be content-neutral and to provide adequate opportunity for the presentation of messages of all kinds.
- B. In addition to sign zones based on zoning districts, the following special sign zones have been designated:
1. Downtown Sign Zones. The Downtown Sign Zone, as defined in Section 23.04.100.D of this Title, has been formed in recognition of the need for more signage and for a greater variety of types of signs in the urban center of the City where densely packed commercial uses compete for attention. It is the City's intent in its regulations to strike a fair balance between commercial needs, traffic safety, and community concerns about visual clutter and visual blight.
 2. Neighborhood Business Districts. Neighborhood Business Districts, as defined in Section 23.04.010.D, are existing business areas designated by the City for intensive rehabilitation. Because of extensive design analysis and City oversight in Neighborhood Business Districts, such districts shall be treated in this Title as special sign zones with sign regulations adapted to coordinate with and enhance City rehabilitation programs.
 3. Airport Sign Zone. The Airport Sign Zone, as defined in Section 23.04.200.B, has unique land use characteristics that support specially tailored sign regulations. The Airport Sign Zone is an area of approximately one thousand acres and consists of land subject to the City's Airport Master Plan. The Airport Sign Zone is characterized by large expanses of open space and outdoor uses, including parking lots, runways/taxiways, and low intensity development consistent with aviation uses. This zone, because of its unique land use character, is less subject to visual clutter than other areas of the City.

23.02.810 Application.

Unless otherwise expressly provided in this Title, this Title shall apply only to signs visible from off-site or from any outdoor parking lot or outdoor pedestrian walkway accessible for use by the public.

23.02.820 Conformity Required.

- A. No person shall erect, maintain or suffer, or cause to be erected, maintained or suffered, any sign except in strict conformity with this Title.
- B. Violation of any condition of a permit issued pursuant to this Title shall be a violation of this Title.

23.02.830 Injunctive Relief.

- A. The erection of any sign in violation of this Title shall be, and is hereby declared to be, unlawful and a public nuisance.
- B. In any action with regard to such use, any court of competent jurisdiction may award any relief as will abate or remove such use and restrain any person from using any property contrary to the provisions of this Title.
- C. An injunction may be issued by any court of competent jurisdiction for any violation of this Title upon suit by the City or upon any private suit pursuant to Section 23.02.840.

23.02.840 Private Right of Action.

- A. In addition to the relief set forth in Section 23.02.830, in the event that an owner or occupant of real property located within six hundred feet of a permanent sign in violation of this Title brings a civil action and is the prevailing party in that action against a person found to have erected, maintained or suffered the sign in a manner in violation of this Title, such owner or occupant, in addition to other damages as determined by the court, may, in the discretion of the court, be awarded court costs, attorneys' fees, and an amount not to exceed one thousand dollars.
- B. Remedies provided by this section and Section 23.02.830 are in addition to any other legal or equitable remedies and are not intended to be exclusive.
- C. For purposes of this section, a "permanent sign" shall be a sign for which a permit is required under this Title.

23.02.850 Applicable Regulations.

- A. The regulations for signs shall be set in accordance with the zoning district where a parcel is located, except for:
1. Parcels located in special sign zones, as set forth in Section 23.02.860;
 2. Residential uses, regardless of where located, which shall be governed by Part 4 of Chapter 23.04;
 3. Signs in the public right-of-way which shall be governed by Part 9 of Chapter 23.04; and
 4. Signage allowed pursuant to a planned development permit as provided in Section 23.02.1080.
- B. All signs shall also conform to the provisions of this Chapter 23.02.

23.02.860 Special Sign Zones.

The following are the special sign zones:

- A. The Downtown Sign Zone as defined in Section 23.04.100.D.
- B. Neighborhood Business Districts as defined in Section 23.04.010.D.
- C. The Airport Sign Zone as defined in Section 23.04.200.B.

23.02.870 Administrative Authority; Appeals.

- A. Administrative authority for the implementation of the sign regulations set forth in this Title and for the issuance of permits, if required under Part 4 of this chapter, shall be as follows:

District or Type of Sign	Administrative Authority
CO, CP, CN, CG, IP, LI, HI, OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M and R-MH Zoning Districts; Neighborhood Business Districts; Airport Sign Zone; Billboard Relocation; Rotation Message Billboards; Temporary Signs	Department of Planning, Building and Code Enforcement
Downtown Sign Zone	Redevelopment Agency

District or Type of Sign	Administrative Authority
Election Signs	Department of Streets and Traffic for signs in public rights-of-way; Department of Planning, Building and Code Enforcement for signs not in public rights-of-way
Public Right-of-Way Signs	Department of Streets and Traffic; except Department of Parks, Recreation and Neighborhood Services for signs in parks

“Director” as used in this Title and not otherwise identified shall refer to the Director of the applicable administrative authority.

- B. Enforcement authority for this Title shall be in the Code Enforcement Division of the Department of Planning, Building and Code Enforcement. In addition, the Department of Streets and Traffic shall also have enforcement authority with regard to signs in public rights-of-way.
- C. Any appeals allowed under this Title shall be to the Planning Commission or City Council, as provided in Chapter 20.100.

23.02.880 Authority To Remove Illegal Signs In Public Right-Of-Way.

- A. Any illegal signs in the public right-of-way may be removed by the City.
- B. Any illegal sign of *de minimus* value in the public right-of-way may also be removed by volunteers on behalf of the City.
- C. No notice shall be required prior to removal of illegal signs, including without limitation elections signs, in the public right-of-way.
- D. Any sign removed by the City, except any sign of *de minimus* value, shall be held in storage and the owner or other person in control of such sign, if known, shall be given written notice and ten days to reclaim such sign.
- E. Any sign held in storage by the City may be destroyed by the City if not reclaimed:
 - 1. In the time period set forth in Subsection D above; or
 - 2. Within ten days after removal if the owner or other person in control of such sign is not known.
- F. In order to reclaim a sign removed by the City, the owner or other person in control of such sign shall first pay to the City a fee as set forth in the schedule of fees adopted by resolution of the City Council.

- G. Any illegal sign in the public right-of-way of *de minimus* value shall be deemed to be abandoned and may be destroyed by the City after removal. No opportunity to reclaim such sign shall be given by the City.
- H. For purposes of this section, any sign made of cardboard or other nondurable material shall be deemed to be of *de minimus* value.

23.02.890 Design Approval.

Signs and supporting structures shall be subject to design approval by the Director. The Director shall not approve a sign permit application unless the Director finds that the proposed sign is consistent with the intent of this Title based upon the factors set forth in Section 23.02.1340.C.

23.02.900 Construction and Maintenance of Signs.

- A. All signs and supporting structures shall be securely built and erected in conformance with the requirements of this Title and any other applicable code requirements.
- B. All signs, together with all supporting structures, shall be well maintained and kept in a good state of repair. Without limiting the foregoing, the following maintenance shall be required for all signs and supporting structures:
 - 1. They shall be kept free from rust, dirt and chipped, cracked or peeling paint.
 - 2. Hanging, dangling, torn or frayed parts shall be repaired.
 - 3. Burned-out bulbs shall be replaced.
 - 4. Graffiti and unauthorized stickers shall be removed.
- C. If the message surface of a free-standing sign is removed from the supporting structure, except for a temporary period of time while the message is being changed or the surface replaced, the supporting structure shall be removed. Such temporary period shall not exceed ninety days.

23.02.910 Computation of Area of Sign.

- A. Unless otherwise expressly provided in this Title, the area of the message surface of a sign shall be computed as provided in this section.
- B. Message Surface
 - 1. If the message surface of a sign consists of an integral surface and has a regularly shaped perimeter, the area of the sign shall be the area within such perimeter, including the face of any frame.

2. If the message surface consists of noncontiguous segments or has an irregularly shaped perimeter, then the area of the sign shall be all of the area encompassed within a single continuous rectilinear-perimeter of not more than ten straight lines, enclosing the extreme limits of the message surface (and in no case passing through or between any segments of the message surface) and including any color, material or graphic which is integrated therein which differentiates the message from the background against which it is placed, and the face of any frame.
- C. If a sign has more than one message surface, the area of the sign shall be the sum of the areas of all the message surfaces. If two surfaces on the same sign face in opposite directions (i.e., the relative angles between the directions they face is one hundred eighty degrees) and the distance between the two surfaces is not more than two feet, then the area of only one of the two surfaces (the largest if they are not equal) shall be included in the computation.
- D. Three-Dimensional Signs
1. With three-dimensional signs, if the sign does not extend more than two feet from the point of sign attachment, for attached signs, or if the sign does not exceed two feet in depth for free-standing signs, the area of the sign shall be measured as if the sign had a flat surface, in accordance with Subsection B of this section.
 2. If a three-dimensional sign is greater than two feet in depth, the area of the sign shall be the sum of three areas of the sign measured from each side and the front, in each case measured as if each perspective was a flat surface.
- E. In the case of a form of message surface not specifically mentioned herein, the formula for the most nearly similar type of message surface which is mentioned shall apply. The decision of the Director as to the most nearly similar type of message surface shall control.

23.02.920 Signs That Do Not Reduce Allowable Signage.

The following signs shall not reduce signage otherwise allowable under this Title:

- A. Temporary signs expressly allowed by this Title.
- B. Safety or directional signs allowed by Section 23.02.1040.
- C. Window signs allowed by Section 23.02.1060.
- D. Street numbers required by Section 23.02.1020.
- E. Signs required by law as described in Section 23.02.1030.

- F. Flags allowed by Section 23.02.1050.
- G. Fin signs and awning signs allowed pursuant to Section 23.04.020.E.1.
- H. Signs on outdoor vending facilities allowed by Part 10 of Chapter 20.80 of Title 20 of this code.
- I. Signs on recycling facilities allowed by Section 20.80.1130.B.5 and C.11 of Part 13 of Chapter 20.80 of Title 20 of this code.
- J. Signs on temporary trailers allowed by Section 20.80.1740(6) of Part 18 of Chapter 20.80 of Title 20 of this Code.
- K. Time and temperature signs allowed pursuant to Section 23.04.030.E.3.c.
- L. Skyline signs allowed pursuant to Section 23.02.1210 or 23.04.120.
- M. Public benefit gateway signs allowed pursuant to Part 10 of Chapter 23.04.
- N. Flat roof-top signs allowed pursuant to Section 23.04.120.

23.02.930 Computation of Sign Height.

Unless otherwise expressly provided herein, the height of a sign shall be determined by measuring the vertical distance to grade from the highest point of the message surface of the sign, including the face of any frame.

23.02.940 Location of Attached Signs.

- A. Attached signs on walls, windows or other structures shall be located a minimum of six inches from the edge of the wall, window or structure to which attached, unless the sign continues around such edge and onto another contiguous surface.
- B. In determining the top edge of a wall, the parapet and cornice, if any, of such wall shall be included and shall be deemed part of the wall.

23.02.950 Projection of Attached Signs.

Subject to Section 17.48.290 with regard to projection into airspace over a public right-of-way, whenever attached signs are permitted in this Title:

- A. Except as provided in Subsection B of this section, and notwithstanding the provisions of Section 20.30.400 of this code related to setback areas, an attached sign may project up to two feet from the wall to which attached.

- B. Within the Downtown Sign Zone or any Neighborhood Business District, except as provided in Section 23.04.120.C., an attached sign may project more than two feet from the wall to which it is attached if every part of the sign is at least eight feet above grade.
- C. No sign shall project into any public right-of-way unless the Director of Public Works shall have first issued an Encroachment Permit therefor.
- D. For the purposes of this section, if a sign is recessed into a wall, the distance for maximum allowable projection for the sign shall be measured from the plane of the exterior wall surface surrounding and directly abutting the edges of the sign.

23.02.960 Backgrounds; Materials.

- A. All supporting structures and background materials for signs shall be opaque and nonreflective.
- B. For purposes of this section, the "background" of a sign shall mean all parts of the message surface of the sign except those parts (whether letters, numbers, words or otherwise) actually communicating the sign message.
- C. The use of styrofoam in signs is prohibited.

23.02.970 Illuminated Signs - Light source.

- A. Every part of the light source of any illuminated sign allowed by this Title shall be concealed from view from vehicular traffic in the public right-of-way, and the light shall not travel from the light source directly to vehicular traffic in the public right-of-way but instead shall be visible only from a reflecting or diffusing surface.
- B. This provision shall not apply to neon tube lighting expressly permitted by another provision of this Title.

23.02.980 Illuminated Signs - Awnings.

Unless expressly provided otherwise in this Title, awning signs may be illuminated, including without limitation by backlighting; however, the entire awning may not be illuminated or backlit.

23.02.990 Number of Signs on Supporting Structure.

More than one sign may be mounted on a supporting structure.

23.02.1000 Mixed uses.

In the case of residential and nonresidential uses occurring on one parcel, the sign regulations governing the nonresidential use shall apply to the parcel.

23.02.1010 Prohibited signs; prohibited displays.

- A. Unless otherwise expressly allowed in this Title, the following signs are prohibited:
1. Animated signs.
 2. Billboards.
 3. Inflatable signs.
 4. Mechanical movement signs.
 5. Portable signs.
 6. Roof signs.
 7. Flat roof-top signs.
 8. Signs facing and visible from a freeway unless the parcel on which the sign is located is within the Urban Service Area as indicated on the General Plan Land Use/Transportation Diagram, and (a) separated from the freeway by another public right-of-way, (b) has direct access to the freeway, or (c) the main public entrance to the building(s) presently on site are oriented towards the freeway.
 9. Signs placed on trees, rocks or other natural formations, except signs which identify the name of the natural formation; and
 10. Signs placed on trucks, buses, cars or other motorized vehicles:
 - a. Unless all of the following conditions exist:
 - (1) The vehicle is in operating condition, currently registered and licensed to operate on public streets;
 - (2) The sign is painted upon or otherwise permanently attached to the vehicle; and
 - (3) The primary purpose for which the vehicle is used is not for the stationary display of the sign.
 - b. This restriction shall not apply to temporary signs in vehicle windows.
- B. The following displays used in conjunction with signs are prohibited:
1. Balloons;
 2. High intensity beam lights; or

3. Strings of ribbons, tinsel, small flags, pennants, streamers, spinners, metallic disks, pinwheels, or other similar devices designed to move in the wind.

23.02.1020 Street Numbers.

- A. Street numbers, whether written in words or in numerals, shall not be considered a sign and shall not reduce otherwise allowed signage if the street numbers do not exceed an aggregate area of four square feet.
- B. A street number shall be displayed on the primary building on each parcel.
- C. Except in the case of temporary signs or signs in the Downtown Sign Zone or the Airport Sign Zone, a street number shall be displayed on each free-standing sign on a parcel.
- D. Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.

23.02.1030 Signs Required by Law.

Any sign required by federal, state or other law shall not reduce otherwise allowed signage.

23.02.1040 Safety or Directional Signs.

Safety or directional signs may be displayed as necessary for safety or directional purposes, may be illuminated or reflective if necessary for public safety, and shall not reduce otherwise allowed signage.

23.02.1050 Flags.

- A. U.S. flags may be displayed in accordance with applicable federal laws and regulations; such display of U.S. flags shall not reduce otherwise allowed signage.
- B. Two additional flags may be displayed on nonresidential parcels and one additional flag may be displayed on residential parcels; such flag display shall not reduce the otherwise allowed signage if:
 1. Flags are displayed on flagpoles erected in conformance with all applicable laws; and
 2. Flags are no larger than twenty-four square feet each.
- C. More than one flag may be displayed on a flagpole. Subject to all applicable laws and regulations, banners may be displayed on flagpoles with flags.
- D. Any flag not meeting the requirements of Subsection A or Subsection B above:
 1. Shall be considered a banner, subject to all regulations related to banners; and

2. Shall reduce the signage otherwise allowed.

23.02.1060 Window Signs.

- A. Window signs, including both permanent and temporary signs, shall not exceed in aggregate sign area twenty-five percent of the window frame area.
- B. Window signs shall not be animated signs.
- C. Window signs in conformance with this Title shall not reduce otherwise allowed signage.
- D. Window signs include internal displays of stock-in-trade if the display is located within twelve inches of a window and is visible from a public right-of-way.

23.02.1070 Stock-in-Trade.

Even though visible from a public right-of-way, stock-in-trade which is stocked in the ordinary course of business on any parcel shall not be considered a sign unless it is located indoors within twelve inches of a window and is visible from a public right-of-way.

23.02.1080 Planned Development Permits.

As part of any planned development permit, the Director may allow signage which conforms to signage allowed under this code in any zoning district or in a special sign zone, subject to design approval as specified in Section 23.02.890.

23.02.1090 Historic Signs.

The Director may approve the reconstruction and/or erection of historic signs not otherwise allowed under this code, in the case of any building, other structure or sign that has been designated as a historic landmark by the City Council or by any state or federal authority with jurisdiction.

23.02.1100 Barber Poles.

Because of their historical and cultural value to the community, barber poles located at barber shops or similar establishments shall not be considered signs under this Title and shall not be regulated by this Title.

23.02.1110 Signage at Gasoline Service Stations.

- A. Gasoline service stations have unique requirements for signage. The quantity of signs and types of signs at a gasoline service station shall be subject to design approval by the Director, as limited by Subsections B, C and D below.

- B. The total amount of all signage for the parcel shall not exceed:
 - 1. In the Downtown Sign Zone, one square foot for each linear foot of street frontage.
 - 2. In all other areas, the maximum signage allowed on the parcel.
- C. Required signs as described in Section 23.02.1030 shall not reduce the signage allowed by Subsection B.
- D. Unless otherwise expressly prohibited in this Title, lightbox signs shall be allowed.

23.02.1120 Portable Signs at Vehicle Parking Lots.

- A. Operators of automobile parking lots may display up to two portable safety or directional signs per lot entrance during hours of business operation. The Director may authorize additional safety or directional signs per entrance if necessary for direction of vehicular traffic.
- B. Each such sign:
 - 1. Shall not exceed nine square feet in sign area for each sign face.
 - 2. Shall be clearly legible to parking lot vehicular traffic; letters shall be at least four inches in height.
 - 3. Shall be located so as not to block or interfere with pedestrian or vehicular traffic.
 - 4. Shall be displayed only on the parking lot property and shall not be located in the public right-of-way.

23.02.1130 Master Sign Program.

- A. A master sign program shall be required for all multiple-occupancy buildings or sites.
- B. An approved master sign program shall become part of all permits for the subject property and shall be binding on all property owners and all occupants of the subject property.
- C. A master sign program may be revised by application in accordance with the procedures set forth in Section 23.02.1320.

23.02.1140 Placement of Temporary Signs.

Unless expressly otherwise allowed in this Title, temporary signs allowed by this Title may only be displayed where a permanent sign would be allowed to be displayed under this Title.

23.02.1150 Signs on Unimproved Parcels.

- A. Permanent signs shall not be displayed on unimproved parcels.
- B. Temporary signs allowed in the zoning district or special sign zone where the parcel is located may be displayed on unimproved parcels.
- C. Temporary signs displayed on unimproved parcels:
 - 1. Shall conform to all requirements for temporary signs in the zoning district or special sign zone where the parcel is located.
 - 2. Shall conform to all placement requirements for permanent signs in the zoning district or special sign zone where the parcel is located.

23.02.1160 Corner Triangles and Driveway Triangles.

- A. Subject to Subsection B below, free-standing signs located within a corner triangle or driveway triangle shall not exceed three feet in height.
- B. The Director may allow a height greater than three feet for such signs upon a finding that safety is not impaired.

23.02.1170 Banner Signs.

Unless otherwise expressly provided in this Title, banner signs shall be allowed. A banner sign shall be a flat-mounted sign, a projecting sign or a free-standing sign, depending upon method of attachment, and shall conform to all regulations for flat-mounted, projecting or free-standing signs, as appropriate.

23.02.1180 Other Applicable Laws.

Nothing in this Title shall be deemed or construed to permit the erection or maintenance of a sign in violation of any other applicable provision of this Municipal Code, other applicable ordinance of the City, or any applicable statute or regulation of the State of California or of the United States.

23.02.1190 No Limitation on Message.

Unless otherwise expressly provided in this Title, signs may contain any message otherwise allowed by law.

Part 3

LEGAL NONCONFORMING SIGNS

23.02.1200 Legal Nonconforming Signs.

- A. A legal nonconforming sign is a sign which does not conform to each and every applicable provision of this Title but was:
 - 1. Lawfully in existence and in use in the City prior to and at the time the provisions of this Title with which it does not conform became effective; or
 - 2. Lawfully in existence and in use on property outside the City at the time of annexation of such property to the City.
- B. Except as provided in Subsections C, D and E below, no person shall replace, alter, relocate or expand in any way, no matter how minor, any legal nonconforming sign, including its supporting structure, unless such action is in accordance with a permit or permit adjustment issued pursuant to this Title and the resulting sign is fully in conformance with the provisions of this Title.
- C. Subsection B above does not and shall not be construed to prohibit any maintenance of a legal nonconforming sign that is necessary for public safety and/or required by this Title.
- D. Replacement, alteration, or relocation on same parcel.
 - 1. Although the resulting sign will not be in conformance in all respects with the provisions of this Title, a Sign Permit Adjustment may be issued to allow replacement, alteration or relocation on the same parcel of a legal nonconforming sign provided that:
 - a. The resulting sign is no larger in square footage than the original legal nonconforming sign;
 - b. The resulting sign has received design approval from the Director; and
 - c. The Director has determined that the resulting sign will reduce visual clutter or visual blight.
 - 2. The resulting sign shall be a legal nonconforming sign.

E. Changing message or design.

1. Changing only the message on a legal nonconforming sign shall not be considered an alteration of the sign requiring a permit. However, any design change to the message surface of the sign including, but not limited to, illumination or color changes, shall be considered an alteration of the sign and shall require a sign permit adjustment.
2. The review of a permit application for design changes to a legal nonconforming sign shall be limited to consideration of the proposed design changes.
3. The resulting sign shall be a legal nonconforming sign.

F. A legal nonconforming sign may not be reestablished:

1. Except in the case of any sign that is a historic sign as provided in Section 23.02.1090:
 - a. If the building or parcel where the sign is displayed has been vacant for six continuous months or more; or
 - b. If the sign has displayed no message for six continuous months or more; or
2. After damage or destruction where the repair or restoration of the sign and supporting structure will cost more than fifty percent of the cost to replace the sign and supporting structure in its entirety.

G. The owner of any property where a legal nonconforming sign is located which may not be reestablished pursuant to Subsection F above shall remove the sign and its supporting structure, or any remaining portion thereof, from the property.

23.02.1210 Skyline Signs in Downtown Sign Zone.

- A. Notwithstanding Section 23.02.1200.D above, a sign permit may be issued to allow the enlargement of a legal nonconforming skyline sign on buildings taller than seventy-five (75) feet in height in the Downtown Sign Zone provided that:
1. On any building one hundred fifty feet or more in height, up to two hundred feet in height, the total amount of square footage of sign area for all skyline signs shall not exceed five hundred fifty (550) square feet per building, and any one skyline sign shall not exceed three hundred seventy-five (375) square feet in sign area.
 2. On any building more than seventy-five (75) feet and less than one hundred fifty (150) feet in height, the total amount of square footage of sign area for all skyline signs shall not exceed two hundred seventy-five (275) square feet per building, and any one skyline sign shall not exceed one hundred eighty-five (185) square feet in sign area.

- B. Legal nonconforming skyline signs in the Downtown Sign Zone located on buildings taller than seventy-five (75) feet in height shall not reduce otherwise allowable signage for the building.
- C. Any skyline sign enlarged pursuant to this section shall comply with all other provisions of this part.

23.02.1220 Capitol Expressway Auto Mall Signage Area

Any legal nonconforming sign located on a parcel within the Capitol Expressway Auto Mall Signage Area, described in Section 23.04.010 of this Title, shall be brought into conformance with the applicable provisions of this Title prior to the erection or placement of any other sign on that parcel that comports with the signage allowed under the Capitol Expressway Auto Mall Signage Area regulations but not with the signage regulations applicable to commercial and industrial zoning districts generally.

Part 4

PERMITS AND PROCEDURES

23.02.1300 Permit Required.

- A. No person shall erect or alter, or cause to be erected or altered, any sign except pursuant to a development permit issued in accordance with Chapter 20.100 or pursuant to approval in accordance with Section 23.02.1300.C below, unless exempted from such requirement by Section 23.02.1310.
- B. A sign may be approved in conjunction with any development permit issued pursuant to Chapter 20.100. No separate application required by the requirements of this Title shall apply.
- C. Signs not approved in conjunction with a development permit issued pursuant to Chapter 20.100, and the alteration of existing signs may be approved by:
 - 1. An adjustment to a development permit pursuant to Section 20.100.500; or
 - 2. An amendment to a development permit issued pursuant to Chapter 20.100; or
 - 3. A sign permit or sign permit adjustment issued pursuant to Section 23.02.1330.
- D. No permit shall be required for changing the message within an existing sign.

23.02.1310 Exemption from Permit.

The following signs shall comply with all other requirements of this Title but are exempted from the permit requirements of Section 23.02.1300, unless otherwise expressly required elsewhere:

- A. Temporary signs.
- B. Safety or directional signs of four square feet or less.
- C. Safety or directional signs regardless of size if erected by a public entity or public utility.
- D. Signs erected by the City or the Redevelopment Agency.
- E. Election signs.
- F. Window signs.
- G. U.S. flags; any other flags displayed on flagpoles erected in conformance with all applicable laws.

- H. Required signs as described in Section 23.02.1030.
- I. Signage for residential uses where there are four or fewer residential occupancy units on the parcel.
- J. Signs allowed on outdoor vending facilities under Section 20.80.870 of Part 10 of Chapter 20.80 of Title 20 of this code.
- K. Signs allowed on recycling facilities by Sections 20.80.1130.B.5 and C.11 of Part 13 of Chapter 20.80 of Title 20 of this code.
- L. Signs allowed on temporary trailers.

23.02.1320 Applications for Permit.

- A. An application for a sign permit or sign permit adjustment must be filed on a form provided by the Director.
- B. Each application shall be accompanied by the fee as set forth in the schedule of fees adopted by resolution of the City Council.
- C. In addition to the completed application form and fee, the applicant shall submit the following information:
 - 1. Plans, drawn to scale with dimensions, including the following:
 - a. Details indicating proposed sign area, dimensions, colors, materials, graphic illustration and methods of illumination and attachment.
 - b. A site plan indicating the location of all existing and proposed signs.
 - c. Building elevations with the proposed sign depicted.
 - d. Photographs of the proposed sign location and the existing signs.
 - e. Any other information deemed necessary by the Director for review of the proposal.
 - 2. An application for, or verification of, environmental clearance for the project in accordance with Title 21 of this code.

23.02.1325 Permit for Public Benefit Gateway Signs.

- A. An application for a permit for a public benefit gateway sign may be filed in accordance with Section 23.04.1010.
- B. All requirements of this Title shall apply to permits for public benefit gateway signs except as otherwise specified in Part 10 of Chapter 23.04.
- C. In addition to other requirements in this part with regard to a permit, the permit application for a public benefit gateway sign shall include detailed information about the proposed sign which demonstrates that the sign constitutes a public benefit gateway sign in accordance with Part 10 of Chapter 23.04.
- D. Notwithstanding Section 23.02.1300.D, a public benefit gateway sign is limited in message to identification of the traditional name of an established business area.

23.02.1327 Permit for Interim Temporary Sign; Findings

- A. An application for an interim temporary sign that does not meet the provisions of this Title applicable to temporary signs that do not require a permit may be filed in accordance with the provisions of this Part when the applicant has filed a permit application for an attached sign in accordance with the provisions of this Part and that attached sign is anticipated to replace the interim temporary sign.
- B. The Director may grant an interim temporary sign permit pursuant to the provisions of this Part only if the Director finds that all of the following conditions are met:
 - 1. The permit for the attached sign associated with the proposed interim temporary sign has been granted;
 - 2. The location and design of the proposed interim temporary sign do not create any safety hazard; and
 - 3. The proposed interim temporary sign complies with all of the requirements of this Section and all of the location and size requirements of this Title applicable to the attached sign with which it is associated.
- C. Any interim temporary sign that is granted a permit pursuant to this Section shall meet all of the following criteria:
 - 1. The proposed interim temporary sign will be placed in the same location and will be of the same or smaller size and appearance as the permitted attached sign with which it is associated; and
 - 2. The proposed interim temporary sign will not be erected or maintained for a period of time in excess of ninety (90) consecutive days.

23.02.1330 Issuance of Permit.

- A. Upon receipt of a completed application, the Director shall review the application and approve, conditionally approve or deny the sign permit or sign permit adjustment.
- B. The Director's decision is an administrative determination and does not require a hearing or notice.
- C. Except as provided in Section 23.02.1360 below, the decision of the Director shall be final.

23.02.1340 Findings for Permit.

The Director may grant a sign permit or sign permit adjustment only after:

- A. Finding that the proposed sign complies with the requirements of this Title.
- B. Finding that the location and design of the proposed sign do not create any safety hazard.
- C. Finding that the proposed sign is consistent with the intent of this Title based upon the following factors:
 - 1. Location, material, color and scale;
 - 2. Compatibility with architectural and landscape features; and
 - 3. Compatibility with signs on the same parcel and on adjoining parcels.

23.02.1350 Investigation Fee for Signs Erected Without a Permit.

- A. Whenever any sign for which a permit is required is erected without first obtaining such permit, a special investigation shall be made before a permit may be issued for such sign.
- B. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be set forth in the schedule of fees adopted by resolution of the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law.

23.02.1360 Appeals.

- A. Permit adjustments are not subject to appeal. However, an applicant may file an application for a development permit or an amendment to a development permit pursuant to Chapter 20.100 of Title 20 of this code.

- B. A decision of the Director rendered pursuant to an application for a development permit or an amendment to a development permit may be appealed pursuant to Chapter 20.100, Part 2 and Section 20.100.170 of Title 20 of this code.
- C. Unless expressly provided elsewhere in this code, no appeal is available from a decision of the Director except as provided in Subsection B above.

23.02.1370 Variances.

- A. Nothing herein shall preclude an applicant from requesting a variance from the provisions of this Title.
- B. The Director, and the Planning Commission on appeal from a decision of the Director, may, but shall not under any circumstances be required to, grant variances from the provisions of this Title.
- C. Such variances shall be referred to as Sign Variances and may be granted only pursuant to and in accordance with the procedure set forth in Chapter 20.100, Part 11 of Title 20, except that the findings required for issuance of a Sign Variance shall be as set forth in this section.
- D. Neither the Director nor the Planning Commission on appeal shall grant a sign variance unless it is found that:
 - 1. Special circumstances uniquely applicable to the subject property deprive such property of the ability to display signs enjoyed by other property in the vicinity of the subject property and in the same zoning district or special sign zone. Such special circumstances shall include without limitation the size, shape, location or surroundings of the subject property, and the orientation of the buildings thereon, but shall expressly exclude any consideration of:
 - a. The personal circumstances of the applicant for variance; or
 - b. Any changes in the size or shape of the subject property made by the owner of the property and/or the applicant for variance, or made or occurring while the subject property was situate in the zoning district where it is not located, regardless of whether such changes were caused by the requirements and regulations of this code; and
 - 2. The Sign Variance, subject to such conditions as may be imposed thereon by the Director or the commission:
 - a. Will not impair the utility or value of adjacent properties or the general welfare of the neighborhood;

- b. Will not impair the integrity and character of the zoning district or special sign zone in which the subject property is located;
 - c. Will not materially add to visual clutter; and
 - d. Will not create visual blight.
- E. With regard to free-standing signs, if a Sign Variance is issued granting a variance from a height or setback requirement, it shall not be necessary to also secure a development variance therefor.
- F. With regard to attached signs:
 - 1. A Sign Variance shall not be construed to allow a variance from any of the provisions of Chapters 20.20 through 20.60 of Title 20, and nothing contained in this section shall be construed as authorizing the issuance of sign variances effecting variances from such provisions; and
 - 2. It shall be necessary to secure a development variance in order to obtain a variance from any of such provisions.

Chapter 23.04

SIGN REGULATIONS

Part 1

CO, CP, CN, CG, IP, LI, AND HI COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS AND NEIGHBORHOOD BUSINESS DISTRICTS

23.04.010 Application.

- A. This part shall govern standards for signage for all nonresidential uses in the CO, CP, CN, and CG Commercial Zoning Districts; the IP, LI, and HI Industrial Zoning Districts; the Neighborhood Business Districts; and the Capitol Expressway Auto Mall Signage Area.
- B. Signage for residential uses shall be governed by Part 4 of this chapter.
- C. Standards for temporary signs shall be governed by Parts 7 and 8 of this chapter.
- D. Legal nonconforming signs located within the Capitol Expressway Auto Mall Signage Area shall be governed by Section 23.02.1220 of Part 3 of Chapter 23.02 of this Title.
- E. For purposes of this Title, "Neighborhood Business District" shall mean any area so designated in the City General Plan.
- F. For purposes of this Title, "Capitol Expressway Auto Mall Signage Area" shall mean that certain area encompassing those real property parcels adjacent to and fronting along Capitol Expressway within the City between Almaden Expressway and the private parcel boundary immediately adjacent to and to the west of State Highway 87 on the south side of Capitol Expressway and between the Guadalupe River and approximately 1,300 feet east of the centerline of Pearl Avenue on the north side of Capitol Expressway.
- G. Parcels located in the Capitol Expressway Auto Mall Signage Area shall comply with the provisions of this Part applicable to parcels located in the CG Commercial General Zoning District, except as otherwise specifically provided for in this Part.

23.04.020 Attached signs.

- A. Quantity.
 - 1. No more than one sign shall be permitted for each separate ground-level occupancy frontage, except that:

- a. Any ground-level occupancy with more than one occupancy frontage may have one attached sign on each occupancy frontage, not to exceed four (4) frontages; and
 - b. Any ground-level occupancy exceeding twenty thousand (20,000) square feet may have up to three signs on one of its occupancy frontages and any ground-level occupancy exceeding fifty thousand (50,000) square feet may have up to five signs on one of its occupancy frontages.
 - c. Any building with a building footprint greater than one hundred thousand (100,000) square feet which has interior tenant spaces with no occupancy frontages may have up to five additional signs in addition to those set forth in Subsections a and b above.
 - d. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have an unlimited number of attached signs; provided, however, that the attached signs shall otherwise meet all of the other size, height and setback requirements of this Section, including, without limitation, that the aggregate sign area of all attached signs shall not exceed the size limitations set forth in this Section.
2. One sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.

B. Size.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one square foot for each linear foot of such occupancy frontage to a maximum of three hundred (300) square feet per occupancy frontage.
2. Second- or third-story attached sign(s) shall be limited to one-half the first-floor sign area allowances.
3. The sum of the sign area of the attached signs on any building frontage shall not exceed one square foot for each linear foot of building frontage or the total number of occupancy frontages multiplied by six hundred (600) square feet, whichever is less.

C. Height.

1. No attached sign shall be displayed higher than the finished floor elevation of the fourth floor of a building.
2. In Neighborhood Business Districts for buildings constructed prior to May 1, 1992, upward extensions of building facades that are sloped from the vertical plane at an angle no greater than sixty (60) degrees shall be treated as extensions of the wall of the building and not as roofs for purposes of signage regulation. A sign placed on such an upward extension may not extend in height to within six inches of the highest point of the upward extension. Only permanent signs may be placed on such upward extensions.

D. Setbacks.

1. Signs facing an abutting residential parcel shall be at least thirty (30) feet from the property line of such residential parcel.
2. Signs facing an abutting nonresidential parcel shall be at least ten (10) feet from the property line of such nonresidential parcel, unless the abutting nonresidential parcel contains a parking lot or driveway at its nearest point to the sign, in which case, no setback is required.

E. Other Provisions.

1. Additional Allowed Signage. The following additional signs shall be allowed and shall not reduce otherwise allowed signage.
 - a. Fin Signs.
 - (1) Fin signs shall be allowed that:
 - (a) Do not exceed ten (10) square feet in area per side;
 - (b) Project no more than three (3) feet from the wall to which it is attached;
 - (c) Are located at least seven feet but not more than twelve feet above grade;
and
 - (d) Are not illuminated or are illuminated by external lighting.
 - (2) Each ground-level occupancy frontage may have one such fin sign if such sign is located near its primary entryway.
 - (3) Exception.

- (a) In Neighborhood Business Districts, fin signs may project more than three (3) feet from the wall to which attached.

b. Awning Signs.

- (1) A maximum of two (2) awning signs of no greater than ten (10) square feet in area may be placed upon each discrete surface of an awning.
- (2) Awning signs shall be located at least seven feet but not more than twelve feet above grade.
- (3) Awning signs shall not be illuminated.
- (4) Awning signs shall maintain a minimum three (3)-inch clearance from the edge of the discrete surface of the awning on which the sign is placed.

c. Window Signs.

- (1) Window signs consistent with Section 23.02.1060 of this Title are allowed.
- (2) Window signs shall not be allowed above the first floor, except as follows:
 - (a) Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage.
 - (b) In Neighborhood Business Districts, window signs may be displayed on first- and second-story occupancy frontages.

2. Marquees.

- a. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to design approval and shall not be subject to other size and quantity restrictions in this part.
- b. Exception. Marquees shall not be allowed in the CO Commercial District and in the IP, LI, and HI Industrial Districts.

3. Lightbox Signs for Gasoline Service Stations.

- a. The signage allowed for lightbox signs for gasoline service stations shall be limited to twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.
- b. A maximum of two (2) canopy signs are allowed per lightbox, provided that each canopy sign shall not exceed a maximum size of eighteen (18) inches high by eighteen (18) inches wide, and each canopy sign shall maintain at least a three

(3)-inch clearance from the edge of the canopy to the surface to which it is attached. No two (2) canopy signs shall be placed on the same side of a canopy.

4. Skyline Signs; Roof Signs.

a. Applicability.

- (1) Buildings located in the area bounded by State Highway 87, US 101 and Interstate 880 that are eighty-five (85) feet or greater in height above grade may have either skyline signs or roof signs; and
- (2) Buildings located in the Julian-Stockton Redevelopment Area and not located in the Downtown Sign Zone that are eighty five (85) feet or greater in height above grade may have either skyline signs or roof signs; and
- (3) Buildings located in the area of the City north of US 101 and west of Interstate Highway 880 may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
- (4) Buildings located in the Edenvale Industrial Redevelopment Area may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
- (5) Non-garage uses on the top floor of parking garages located in the areas described in Subsections 4.a.(1), (3), and (4) may have skyline signs.

b. Dimensions.

- (1) In the area bounded by State Highway 87, US 101 and Interstate 880:
 - (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
 - (b) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- (2) In the area located in the Julian-Stockton Redevelopment Area that is not located in the Downtown Sign Zone:
 - (a) The total amount of square footage of sign area for all skyline signs or

roof signs on buildings eighty five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building, and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet; and

- (b) Skyline or roof signs located on buildings within one thousand (1,000) feet of a public park, river or creek shall not directly face that public park, river or creek unless the skyline or roof sign would not be visible from that public park, river or creek; and

(3) In the area of the City north of US 101 and west of Interstate Highway 880:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances.
- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
- (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

(4) In the area located in the Edenvale Industrial Redevelopment Area:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances.
- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
- (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

- c. Quantity: A total of either two (2) skyline signs or two (2) roof signs are allowed per building; provided, however, that in the Edenvale Industrial Redevelopment Area a

combination of skyline and roof signs are allowed not to exceed two (2) signs in the aggregate per building.

- d. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings, subject to the provisions of Subsection 23.04.020.E.4.c above.
- e. Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.
- f. Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.
- g. Skyline signs and roof signs on buildings eighty-five (85) feet or greater in height above grade shall not reduce otherwise allowable signage for the building.

23.04.030 Free-standing Signs.

A. Quantity.

- 1. One free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length, except that:
 - a. Parcels entirely located within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each automobile manufacturer sold on that parcel up to a maximum of two (2) such additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed three (3) free-standing signs.
- 2. For corner parcels, no more than one free-standing sign shall be located within one hundred feet of the corner intersection.
- 3. Exception: In addition to the signs authorized by Subsection 1 above, in the CG, IP, LI, and HI Industrial Districts, parcels with more than five hundred (500) linear feet of street frontage may have one additional free-standing sign for each five hundred (500) linear feet of street frontage beyond the initial five hundred (500) feet of street frontage. Such sign shall be not more than twenty (20) square feet in sign area and six feet in height.

B. Size.

- 1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of the parcel.

2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.
3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets with residential uses or zoning districts across the street.
4. Exceptions.
 - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twenty (120) square feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) square feet.

C. Height.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty feet.
2. Exception:
 - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed twenty-five (25) feet and the maximum height of any other allowed free-standing sign on the parcel shall not exceed nine (9) feet.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be a minimum of four (4) feet for any sign that is six (6) feet or less in height, six (6) feet for any sign greater than six (6) feet in height but less than ten (10) feet in height, and ten (10) feet for any sign that is ten (10) feet or greater in height.
2. Exception:
 - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the parcel shall be a minimum of four (4) feet.
3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Other Provisions.

1. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.
2. Time and Temperature Signs.
 - a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.
 - b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.
 - c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

F. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

23.04.040 Illumination.

- A. Unless otherwise expressly provided herein, signs may be illuminated only with continuous lighting.
- B. Except as provided for fin signs in Subsection 23.04.020.E.1.a above, signs may be illuminated with:
 1. Neon tube lighting.
 2. External lighting.
 3. Internal lighting.
 4. Halolighting.

Part 2

DOWNTOWN SIGN ZONE

23.04.100 Application.

- A. This part shall govern standards for signage for all nonresidential uses in the Downtown Sign Zone.
- B. Signage for residential uses shall be governed by Part 4 of this chapter.
- C. Standards for temporary signs shall be governed by Parts 7 and 8 of this chapter.
- D. For purposes of this Title, "Downtown Sign Zone" shall mean:
 - 1. The Downtown Core Area as defined in the General Plan; and
 - 2. Those portions of the Julian-Stockton Redevelopment Area which are:
 - a. East of the Guadalupe Freeway and south of the Southern Pacific Railroad right-of-way; and
 - b. West of the Guadalupe Freeway, south of West Julian Street, and east of the Southern Pacific Railroad right-of-way.

23.04.110 Amount of Signage.

- A. Except as provided in Subsection B below:
 - 1. The aggregate sign area of all signs on an occupancy frontage shall not exceed two and five-tenths (2.5) square feet for each linear foot of occupancy frontage.
 - 2. The maximum sign area for any one sign shall not exceed one and five-tenths (1.5) square feet for each linear foot of occupancy frontage where the sign is displayed.
 - 3. Signs may be displayed on more than one occupancy frontage, subject to the maximum amount of signage allowed for each occupancy frontage.
- B. Instead of the signage amount permitted by Subsection A above, an applicant, at applicant's option, may select any of the following methods, as applicable, for determining maximum amount of signage:
 - 1. Maximum signage for a parcel may be based on street frontage instead of occupancy frontage. In such case, the total amount of signage on each street frontage shall not exceed one square foot for each linear foot of street frontage.

2. For an occupancy frontage including a marquee, maximum sign area of the marquee, maximum amount of other signage on the occupancy frontage and placement of signs may be determined by the Director subject to design approval.
3. For a single building with a footprint of one hundred twenty-five thousand (125,000) square feet or more, maximum signage may be determined as follows:
 - a. A building with a footprint of one hundred twenty-five thousand (125,000) square feet or more but less than one hundred seventy-five thousand (175,000) square feet may have one programmable display sign plus other signage as allowed in Subsection c below.
 - b. A building with a footprint of one hundred seventy-five thousand (175,000) square feet or more may have up to two programmable display signs plus other signage as allowed in Subsection c below.
 - c. The total signage for the building, including programmable display sign(s) and other signage, shall not exceed seventy-five (75) percent of the signage allowance computed as in Subsection 23.04.110.A above; however, the signage allowance computed as in Subsection 23.04.110.A above for all occupancy frontages of such building may be aggregated for the purpose of determining the maximum allowable size of the programmable display sign(s).

23.04.120 Types of Signs

A. Any Combination of Signs.

1. Signage allowed by Section 23.04.110 may consist of any combination of allowed free-standing signs, flat-mounted signs, projecting signs, awning signs, banners, skyline signs and roof signs. Segmented signs are allowed.
2. Each occupancy frontage may also display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.

B. Free-Standing Signs.

1. Except as provided in this Subsection, free-standing signs shall not exceed eight feet in height above grade.
2. Free-standing signs that are less than six feet wide may be up to twenty-five (25) feet in height above grade.
3. The height of construction signs shall be as set forth in Section 23.04.610B.6.

4. Free-standing roof signs in accordance with Subsection G below and free-standing programmable display signs in accordance with Subsection J below shall not be subject to the foregoing height restrictions.

C. Flat-Mounted Signs.

1. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than thirty (30) feet above grade, except as otherwise specifically allowed in this Section.
2. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than eighty (80) feet above grade when the building meets all of the following criteria:
 - a. The building is eighty (80) feet or greater in height above grade; and
 - b. The building has a building footprint of one hundred fifty thousand (150,000) square feet or greater.
3. Flat-mounted signs shall not project more than two (2) inches from the face of the building, except for:
 - a. Flat-mounted signs consisting of individual letters or letters attached to raceways; or
 - b. Flat roof-top signs that may project no more than sixty (60) inches from the face of the roof.

D. Projecting Vertical Signs and Fin Signs.

1. Projecting vertical signs shall be located at least twenty (20) feet but no higher than sixty (60) feet above grade, shall project no more than five feet six inches, and shall not project above the cornice or parapet of a building.
2. Fin signs:
 - a. Shall be located no higher than thirty (30) feet above grade or the height of the finished floor elevation of the third floor of the building, whichever is less; and
 - b. Shall project no more than one-half the width of the sidewalk over which the sign projects or seven feet six inches, whichever is less.

E. Awning Signs; Porte-Cochere Signs.

1. Awning signs shall be located no higher than thirty (30) feet above grade.

2. Signage on awnings shall be limited to twenty-five (25) percent of the exterior surface area of the awning.
3. Signage on porte-cocheres shall be allowed only on vertical surfaces of the porte-cochere and shall be limited to twenty-five (25) percent of the exterior surface area of the vertical surfaces of the porte-cochere.

F. Banner Signs.

1. Free-standing banners shall comply with the provisions of Section 23.04.120.B above.
2. Projecting banners shall comply with the provisions of Section 23.04.120.D above.
3. Flat-mounted banners:
 - a. Shall not exceed twenty (20) feet in width; and
 - b. Shall be located no higher than fifty (50) feet above grade, provided that banners located higher than thirty (30) feet above grade shall be mounted within building recesses or portals.
4. Notwithstanding any provision of this Chapter to the contrary, buildings with a footprint of seventy-five thousand (75,000) square feet or greater located in the Downtown Core Area, as defined in the City's general plan, may erect banners only in compliance with all of the following criteria:
 - a. A total maximum of five banners shall be allowed at any time;
 - b. One banner may be up to a maximum of one thousand two hundred (1,200) square feet in total area and any and all remaining banners may be up to a maximum of six hundred (600) square feet in total area; and
 - c. All banners shall be placed no higher than eighty (80) feet above finished grade; and
 - d. All banners shall contain and display noncommercial messages only.

G. Skyline Signs; Roof signs

1. Applicability
 - a. Buildings one hundred forty (140) feet or greater in height above grade may have either skyline signs or roof signs; and

- b. Buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade may have skyline signs; and
- c. Non-garage uses on the top floor of parking garages may have skyline signs.

2. Dimensions

- a. The total amount of square footage of sign area for all skyline signs or roof signs on buildings two hundred twenty-five (225) feet or greater in height above grade shall not exceed two thousand (2,000) square feet per building. Any one such skyline sign or roof sign shall not be larger than one thousand (1,000) square feet.
 - b. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred ninety (190) feet or greater in height above grade and less than two hundred twenty-five (225) feet in height above grade shall not exceed one thousand four hundred (1,400) square feet per building. Any one such skyline sign or roof sign shall not be larger than seven hundred (700) square feet.
 - c. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred forty (140) feet or greater in height above grade and less than one hundred ninety (190) feet in height above grade shall not exceed one thousand one hundred (1,100) square feet per building. Any one such skyline sign or roof sign shall not be larger than five hundred fifty (550) square feet.
 - d. The total amount of square footage of sign area for all skyline signs on buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade shall not exceed five hundred (500) square feet per building. Any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
 - e. The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed seven hundred fifty (750) square feet per building. Any one such skyline sign shall not be larger than five hundred (500) square feet.
- 3. Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.
 - 4. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings.
 - 5. Skyline signs and roof signs may be illuminated with external lighting; halolighting;

and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.

6. Skyline signs and roof signs on buildings greater than eighty (80) feet in height above grade shall not reduce otherwise allowable signage for the building.
7. A total of two skyline or roof signs are allowed per building.

H. Window Signs. Window signs consistent with Section 23.02.1060 of this Title shall be allowed on first- and second-story windows.

I. Marquees.

1. Marquees are allowed for theatres and movie houses and on buildings containing marquees that historically were theatres or movie houses.
2. A marquee, including any vertical projection, is a single sign and an architectural element. The vertical projection of a marquee may project above the cornice line of a building.
3. Marquees may be animated signs or have animated sections.
4. Marquee signage shall not be subject to the size and placement limitations elsewhere in this Part, but instead shall be subject to the provisions of Section 23.04.110B.2.

J. Programmable Display Signs.

1. One programmable display sign, which may be a free-standing sign, shall be allowed in conjunction with a building which has a building footprint of one hundred twenty-five thousand (125,000) square feet or more.
2. Any building with a building footprint of one hundred seventy-five thousand (175,000) square feet or more may have up to two programmable display signs.
3. Such sign(s) shall be subject to the size limitations set forth in Section 23.04.110B.3.

K. Time and Temperature Signs.

1. Any sign otherwise permitted in this Part may include a time and temperature sign, provided that a time and temperature sign may not be established within three hundred (300) feet of another time and temperature sign.
2. Each time and temperature sign shall be limited to fifteen (15) square feet in sign area, excluding any frame.

3. Time and temperature signs may not be located higher than thirty (30) feet above grade.
- L. Lightbox Signs for Gasoline Service Stations. Lightbox signs at gasoline service stations shall not exceed twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.
- M. Public Parking Garage Signs.
1. Notwithstanding any other provisions of this Code, one additional sign shall be allowed on any building containing a garage that provides public parking, under the following circumstances:
 - a. The building contains five hundred (500) or more public parking spaces.
 - b. Any part of the building is within one thousand (1,000) feet of an expressway or freeway.
 2. Such sign:
 - a. Shall be flat-mounted.
 - b. Shall be a maximum of one hundred (100) square feet in sign area.
 - c. Shall be located at least thirty (30) feet but no higher than seventy (70) feet above grade and shall not project above the cornice or parapet of the building.
 - d. Shall be displayed so as to be visible from the expressway or freeway.
 - e. May be illuminated only with external lighting or internal lighting and only to the extent illumination does not create any traffic safety hazard.
 3. The message on such sign shall be limited to "Public Parking" and/or any authorized City public parking symbol(s).
 4. Such sign shall not reduce otherwise allowable signage for the building.
- N. Freeway or Highway Off-Ramp Signs.
1. Subject to the provisions of Section 23.02.1180, a building greater than eighty (80) feet in height above grade located on a parcel of real property that is directly adjacent to a freeway off-ramp or highway off-ramp may have only the following skyline or roof signs:
 - a. A maximum of two skyline or roof signs that conform to all of the applicable requirements set forth in Section 23.04.120.G; or

- b. A maximum of one skyline or roof sign that conforms to all of the applicable requirements set forth in Section 23.04.120.G and one flat-mounted sign that meets all of the following criteria:
 - (1) The size of the sign shall not exceed a maximum of one hundred (100) square feet in sign area;
 - (2) The sign shall be mounted to the building with an orientation that is perpendicular to, and is not directly facing, the centerline of the freeway or highway off-ramp; and
 - (3) The sign shall not be visible from the main freeway or highway to which the off ramp is attached.

O. Flat Roof-Top Signs.

- 1. Buildings with a footprint of one hundred fifty thousand (150,000) square feet or greater may install a maximum of two flat roof-top signs that meet all of the following criteria:
 - a. Each flat roof-top shall not exceed a maximum of sixteen thousand (16,000) square feet in sign area, and the total sign area of two flat roof-top signs shall not exceed a maximum of thirty-two thousand (32,000) square feet; and
 - b. A flat roof-top sign may be externally or internally illuminated with continuous lighting between the hours of 7:00 a.m. and 12:00 a.m., but shall not be illuminated by any means after 12:00 a.m. and before 7:00 a.m.; and
 - c. Any illumination of a flat roof-top sign shall fully conform with the City's lighting policies, unless an exception is granted therefor or applicable thereto; and
 - d. Any illumination of a flat roof-top sign shall not produce light that is visible with the naked eye from public areas located within one hundred (100) feet of the building on which the sign is installed.

23.04.130 Illumination.

- A. Unless otherwise expressly provided herein, external lighting, internal lighting, neon tube lighting, halolighting and any similar lighting technology is permitted.
- B. Unless otherwise expressly provided herein, signs may be illuminated only with continuous lighting.

Part 2.5

URBAN MIXED-USE DEVELOPMENT AREA SIGN ZONE

23.04.150 Application.

- A. This Part shall govern standards for signage in Urban Mixed-Use Development Area Sign Zones.
- B. The standards for signage for wholly residential uses within Urban Mixed-Use Development Area Sign Zones shall be governed by Part 4 of this Chapter, subject to the provisions for Mixed-Use Residential Façades contained in this Part.
- C. The standards for signage for nonresidential uses and Vertically Mixed Uses within Urban Mixed-Use Development Area Sign Zones shall be as set forth in this Part.
- D. The standards for temporary signs in Urban Mixed-Use Development Area Sign Zones shall be governed by Parts 7 and 8 of this Chapter.

23.04.152 Definitions.

For purposes of this Part, the following terms shall have the following meanings:

- A. An “Urban Mixed Use Development Area Sign Zone” means an area comprising a group of contiguous parcels of land that meets all of the following criteria:
 - 1. Was developed or is being developed under a single planning process and coordinated implementation, such as a single planned development zoning and permit, that addresses uses and development on the entirety of the contiguous parcels within the area; and
 - 2. Was developed or is being developed as an urban center with dense retail and commercial uses; and
 - 3. Is a minimum of forty (40) acres in size; and
 - 4. At least fifty percent (50%) of the ground-level parcels are developed with buildings:
 - a. That are greater than three (3) stories in height; and
 - b. Whose ground levels are not separated from pedestrian-oriented streets by parking areas; and
 - 5. At least thirty-five percent (35%) of commercial development is contained within Vertically Mixed Use Buildings served by structure parking.

- B. “Vertically Mixed Uses” means a combination of commercial and residential uses contained within and occupying a single building of at least four (4) stories where a minimum of forty percent (40%) of the ground-floor area is commercial or a minimum of forty percent (40%) of the ground-floor building frontage is commercial.
- C. A “Vertically Mixed Use Building” means a single building containing Vertically Mixed Uses.
- D. A “Mixed Use Commercial Façade” means the exterior of that portion of a Vertically Mixed Use Building occupied by non-residential uses.
- E. A “Mixed Use Residential Façade” means the exterior of that portion of a Vertically Mixed Use Building occupied by residential uses.
- F. “Architectural Signs” mean permanent signs that are integral to the design of a doorway, column, cornice or parapet and the materials of which are integral to the surface of the building façade.
- G. “Vending Cart Signs” mean signs mounted on portable vending carts, which carts have been approved for location on the private property.
- H. “Retail Pavilion Signs” mean signs mounted on single-story, stand alone retail buildings that have a building footprint of five hundred (500) square feet or less.
- I. “Programmable Display Kiosk Signs” mean programmable display signs mounted on a kiosk or kiosk-like structure that has a footprint of no more than twenty-five (25) square feet, has a maximum side length of five (5) feet, and is located on a private sidewalk or plaza.

23.04.154 Amount of Signage.

- A. Except as specifically allowed otherwise in this Part, signage for non-residential uses and for any Vertically Mixed Use Building shall be based on commercial occupancy frontage.
- B. Signage for Vertically Mixed Use Buildings shall be allowed on both the Mixed Use Commercial Façades and the Mixed Use Residential Facades, except as limited in this Part.
- C. Except as provided in Subsections 23.04.154.D and E below:
 - 1. The aggregate sign area of all signs allowed for a commercial occupancy frontage shall not exceed two and five-tenths (2.5) square feet for each linear foot of occupancy frontage.

2. The maximum sign area for any one sign shall not exceed one and five-tenths (1.5) square feet for each linear foot of commercial occupancy frontage where the sign is to be displayed.
 3. Signs may be displayed for more than one occupancy frontage, subject to the maximum amount of signage allowed for each occupancy frontage.
- D. Instead of the signage amount permitted by Subsection 23.04.154.C above, an applicant, at applicant's option, may select any of the following methods, as applicable, for determining maximum amount of signage:
1. Maximum signage for a parcel may be based on street frontage, instead of occupancy frontage. In such case, the total amount of signage on each street frontage shall not exceed two and five tenths (2.5) square feet for each linear foot of street frontage.
 2. For an occupancy frontage including a marquee, maximum sign area of the marquee, maximum amount of other signage on the occupancy frontage and placement of signs may be determined by the Director subject to design approval.
- E. The amount of allowable signage permitted under Subsection 23.04.154.C above shall not be reduced by the following signage:
1. Signage for vending carts expressly allowed under Section 23.04.156.K; and
 2. Signage for retail pavilions expressly allowed under Section 23.04.156.L; and
 3. Architectural signs expressly allowed under Section 23.04.156.J; and
 4. Programmable display signs and programmable display kiosk signs expressly allowed under Section 23.04.156.M.

23.04.156 Types of Signs

A. Any Combination of Signs.

1. Signage allowed by Section 23.04.154 may consist of any combination of allowed free-standing signs, flat-mounted signs, projecting signs, awning signs, and banners. Segmented signs are allowed.
2. Each occupancy frontage may also display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.

B. Free-Standing Signs.

1. Except as provided in this Subsection, free-standing signs shall not exceed eight feet in height above grade.

2. Free-standing signs that are less than six feet wide may be up to twenty-five (25) feet in height above grade.
3. The height of construction signs shall be as set forth in Section 23.04.610B.6.

C. Flat-Mounted Signs.

1. Flat-mounted signs (except for Architectural Signs allowed under Section 23.04.156.J) shall be displayed no higher than the finished floor elevation of the fourth floor, except as otherwise specifically allowed in this Section, and in any event shall be displayed at a height no greater than forty-five (45) feet.
2. Flat-mounted signs shall not project more than two (2) inches from the face of the building, except for flat-mounted signs consisting of individual letters or letters attached to raceways.
3. Flat-mounted signs shall not be displayed on Mixed Use Residential Facades.

D. Projecting Vertical Signs and Fin Signs.

1. Projecting vertical signs shall be located at least twenty (20) feet but no higher than sixty (60) feet above grade, shall project no more than five feet six inches (5'6"), and shall not project above the cornice or parapet of a building. Projecting vertical signs shall be permitted on Mixed Use Residential Facades.
2. Fin signs:
 - a. Shall be located no higher than the height of the finished floor elevation of the fourth floor of the building; and
 - b. Shall project no more than one-half the width of the sidewalk over which the sign projects or seven feet six inches (7'6"), whichever is less.
 - c. Fin signs shall be permitted on Mixed Use Residential Facades.

E. Awning Signs; Porte-Cochere Signs.

1. Awning signs shall be located no higher than the finished floor elevation of the fourth floor above grade; provided, however, that awning signs on Mixed Use Residential Facades shall be located no higher than the finished floor elevation of the second residential floor above grade.
2. Signage on awnings shall be limited to thirty-five percent (35%) of the exterior surface area of the awning.

3. Signage on porte-cocheres shall be allowed only on vertical surfaces of the porte-cochere and shall be limited to thirty-five percent (35%) of the exterior surface area of the vertical surfaces of the porte-cochere.
4. Signage on awnings and porte-cocheres shall be permitted on Mixed Use Residential Facades, subject to the limitations in Subsection 23.04.156.E.1 above.

F. Banner Signs.

1. Free-standing banners shall comply with the provisions of Section 23.04.156.B above.
2. Projecting banners shall comply with the provisions of Section 23.04.156.D above.
3. Flat-mounted banners are not allowed.

G. Window Signs. Window signs consistent with Section 23.02.1060 of this Title shall be allowed on first- and second-story windows.

H. Marquees.

1. Marquees are allowed for theatres and movie houses and on buildings containing marquees that historically were theatres or movie houses.
2. A marquee, including any vertical projection, is a single sign and an architectural element. The vertical projection of a marquee may project above the cornice line of a building.
3. Marquees may be animated signs or have animated sections.
4. Marquee signage shall not be subject to the size and placement limitations elsewhere in this Part, but instead shall be subject to the provisions of Section 23.04.154.C.2 above.

I. Programmable Display Signs.

1. For a single building with a footprint of at least one hundred twenty-five thousand square feet, a maximum of two (2), attached programmable display signs shall be allowed, subject to the approval of the Director, whose approval shall be issued when the sign or signs meet all of the following criteria:
 - a. The sign(s) shall be located no higher than twelve (12) feet from grade unless the Director finds that a greater height achieves a pedestrian-level orientation; and
 - b. The sign(s) shall not reduce or obscure glazing; and

- c. Each sign does not exceed a maximum size of eighteen (18) square feet in sign area; and
- d. No sign is displayed on a Mixed Use Residential Façade.

J. Architectural Signs

- 1. The total amount of Architectural Signs allowed on any one building shall not exceed a total maximum area of two hundred (200) square feet per building, in the aggregate.
- 2. Each Architectural Sign shall be limited in area to a maximum of thirty-two (32) square feet, except that one Architectural Sign of up to one hundred (100) square feet in area may be located on one building frontage, all subject to the total maximum area allowed under Subsection 23.04.156.M.1 above.
- 3. Architectural Signs shall be allowed on Mixed Use Residential Facades.

K. Vending Cart Signs

The total amount of Vending Cart Signs allowed on any one vending cart shall be limited by a maximum of sixteen (16) square feet of total signage allowed in the aggregate per vending cart and a maximum area of four (4) square feet per Vending Cart Sign.

L. Retail Pavilion Signs

- 1. The aggregate sign area of all Retail Pavilion Signs allowed on an occupancy frontage shall not exceed one and five-tenths (1.5) square feet for each linear foot of occupancy frontage except as provided in this Subsection.
- 2. The maximum sign area for any one Retail Pavilion Sign shall not exceed one (1.0) square foot for each linear foot of occupancy frontage where the Retail Pavilion Sign is displayed.
- 3. Retail Pavilion Signs may be displayed for more than one occupancy frontage, subject to the maximum amount of signage allowed for each occupancy frontage.
- 4. Retail Pavilion signage allowed by this Subsection L.1 may consist of any combination of allowed flat-mounted signs, projecting signs, and awning signs.
- 5. Each occupancy frontage also may display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.
- 6. No Retail Pavilion Sign shall extend above the retail pavilion building parapet or eave.
- 7. Instead of the signage permitted by Subsection L.1 above, an applicant, at applicant's

option, may for one occupancy frontage per pavilion, substitute a programmable display sign that conforms with all of the following criteria:

- a. The size of the programmable display sign shall not exceed a maximum area of eighteen (18) square feet.
- b. The programmable display sign shall be flat mounted to the wall of the retail pavilion and shall not extend above the retail pavilion building parapet or eave.

M. Programmable Display Kiosk Signs

Programmable Display Kiosk Signs are allowed subject to the following criteria and conditions:

1. The total sign area on kiosks shall not exceed eighteen (18) square feet per kiosk face in the aggregate, and no Programmable Display Kiosk Sign shall be located higher than eight (8) feet in height above grade.
2. Programmable Display Kiosk Signs may be animated and/or may be illuminated with continuous external or internal lighting.
3. Programmable Display Kiosk Signs shall not be displayed on kiosks located within forty (40) feet of another kiosk displaying a Programmable Display Kiosk Sign.
4. A minimum width of unobstructed sidewalk clearance of four (4) feet shall be maintained around a kiosk for pedestrian traffic.
5. The maximum number of kiosks on which a Programmable Display Kiosk Sign may be displayed shall be the number equivalent to one (1) kiosk per every five (5) acres of development within the Urban Mixed Use Development Area Sign Zone.

23.04.158 Illumination.

- A. Unless otherwise expressly provided herein, external lighting, internal lighting, neon tube lighting, halolighting and any similar lighting technology is permitted.
- B. Unless otherwise expressly provided herein, signs may be illuminated only with continuous lighting.

Part 3

AIRPORT SIGN ZONE

23.04.200 Application.

- A. This part shall govern standards for signage in the Airport Sign Zone.
- B. For purposes of this Title, “Airport Sign Zone” shall mean property located at the City of San Jose International Airport and visible from public rights-of-way not located within the airport boundaries. Public rights-of-way not located within the airport boundaries include without limitation Guadalupe Parkway, Highway 101, Interstate 880, Coleman Avenue, Martin Avenue and De La Cruz Boulevard.
- C. Signs which are oriented toward internal airport roadways shall be subject to regulations promulgated by the Director of aviation.

23.04.210 Basic Sign Allowance.

Buildings with occupancy frontage on external public rights-of-way shall be allowed either one flat-mounted sign or one free-standing sign in accordance with the following requirements:

A. Flat-Mounted Sign.

- 1. Each building may display one flat-mounted sign.
- 2. Such sign shall be attached to the occupancy frontage which is the major entryway for the building and shall not exceed one square foot in area for each linear foot of such occupancy frontage.
- 3. Signs shall be mounted to the facade of the building to coordinate with building architecture. Signs shall not:
 - a. Protrude more than six inches from the facade of the building; or
 - b. Hang from a canopy or eaves; or
 - c. Project above the roof line of the building.
- 4. Signs, including street and/or building numbers, shall not be painted directly onto building surfaces.
- 5. No signs, except safety or directional signs, shall be placed on hangar doors or on fences.

B. Free-standing Sign.

1. In the event a flat-mounted sign is not feasible on a building, one free-standing sign shall be permitted.
2. The height of the sign, including supporting structure, shall not exceed five feet above grade, and the maximum width shall be ten feet.
3. The sign shall be placed within ten feet of the building occupancy frontage which is the major entryway for the building, and shall be installed parallel to the curb.

23.04.220 Additional Signs.

In addition to other allowed signage, each airport parcel with street frontage on an external public right-of-way shall be allowed the following signs:

A. One free-standing sign, as follows:

1. The height of the sign, including supporting structure, shall not exceed eight feet above grade, and the maximum width shall be ten feet.
2. The sign shall be located within fifteen (15) feet of the curb and shall be installed perpendicular to the face of the curb.
3. The sign shall be double-faced, with matte black background and white letters (reflective or nonreflective).

B. Window signs consistent with Section 23.02.1060 of this Title shall be allowed on first-story windows.

C. Signage on a porte-cochere, as follows:

1. Signage shall be limited to one porte-cochere per building located at the primary entryway for the building.
2. Signage shall be allowed only on vertical surfaces of the porte-cochere and shall be limited to twenty-five percent of the exterior surface area of the vertical surfaces of the porte-cochere.

23.04.230 Monument Signs.

In addition to other allowed signage, an airport parcel which contains buildings whose aggregate footprints exceed two hundred fifty (250,000) thousand square feet shall be permitted one monument sign, which may be a programmable display sign, as follows:

- A. The height of the sign shall not exceed twenty feet above grade, and the maximum width shall be twenty-five (25) feet.
- B. The sign may be double-faced. Each face shall not exceed two hundred (200) square feet in sign area.

23.04.240 Temporary Signs.

Each airport parcel may display up to two temporary signs at any time. The following temporary signs are allowed:

- A. Real Estate Signs. One temporary sign may be displayed that is related to the lease or sale of the real property on which the sign is placed and not larger than forty (40) square feet.
- B. Construction Signs.
 - 1. Construction signs related to construction on the property on which the sign is placed may be displayed one hundred eighty (180) days prior to the commencement of construction, during construction and for a period not longer than thirty (30) days after completion of construction.
 - 2. Construction signs attached to fences that enclose construction sites and no higher than ten feet above grade shall have no size limitation.
 - 3. Construction signs not attached to such fences may not exceed one hundred fifty (150) square feet in sign area and shall be limited to one such sign per street frontage.
 - 4. Construction signs shall not be illuminated.
- C. Other Temporary Signs. One other temporary sign not larger than ten square feet may be displayed for no more than a total of three months in any calendar year.

23.04.250 Illumination.

- A. Unless otherwise expressly provided in this part, signs may be illuminated only with continuous external or internal lighting.
- B. Uniform lighting is required in translucent graphics or backlighted signs.
- C. Floodlighting is permitted if there is no glare and the lighting is architecturally coordinated.
- D. Neon letters are prohibited.

23.04.260 Other Provisions.

- A. Segmented signs are allowed.
- B. Banner signs are allowed only as temporary signs.
- C. Time and temperature signs are allowed only in conjunction with animated signs otherwise allowed.

Part 4

OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M, AND R-MH, OPEN SPACE, AGRICULTURAL, AND RESIDENTIAL ZONING DISTRICTS

23.04.300 Application.

This part shall govern signage standards in the OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M and R-MH Open Space, Agricultural, and Residential Zoning Districts and for all residential uses in other zoning districts and in special sign zones.

23.04.310 Signs in OS Open Space Zoning Districts.

No signage whatsoever shall be erected or maintained in OS Open Space Zoning Districts except upon issuance of and in compliance with a Conditional Use Permit issued as provided in Part 6 of Chapter 20.100 of Title 20 of this code.

23.04.320 Signs on Residential Parcels.

A. Quantity.

1. Subject to Subsections 23.04.320.A.2 and A.3 below, one attached or free-standing sign shall be allowed on each residential parcel.
2. Subject to Subsection 23.04.320.A.4 below, for residential developments consisting of more than one hundred (100) units, one attached or free-standing sign shall be allowed for each frontage on a public street.
3. Subject to Subsection 23.04.320.A.4 below, for single residential developments consisting of more than two thousand (2,000) units and located on fifty (50) or more acres, one additional free-standing sign shall be allowed for each frontage of the single residential development on a public street consisting of at least four moving travel lanes and identified on the General Plan Transportation Diagram at the time the sign was installed.
4. For signs allowed pursuant to Subsections 23.04.320.A.2 and A.3, two separate signs along the same public street frontage shall be allowed only when both of the signs are placed within ten (10) feet and on either side of an entry driveway for the residential development.

B. Size.

1. The aggregate area of all attached and free-standing signs allowed under this Section shall not exceed one square foot of sign area for each occupancy unit on the parcel.
2. Each individual sign shall not exceed a maximum of thirty-two (32) square feet in size.

C. Height.

1. Attached signs shall not be displayed higher than twelve (12) feet above grade.
2. Subject to Section 23.04.320.C.3 below, free-standing signs shall not be more than three feet in height and shall not be located more than five feet from the primary residential building.
3. For residential properties consisting of more than one hundred (100) units, free-standing signs shall be allowed up to five (5) feet in height for each fifty (50) units located on the subject site, up to maximum height of fifteen (15) feet, and may be located any distance from the primary residential building that otherwise complies with the applicable provisions of this Municipal Code.

D. Setbacks.

1. Signs shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.
2. In the case of parcels less than fifty (50) feet wide, signs shall be located as far from the side property lines of the parcel as possible.
3. Unless expressly provided otherwise in this Title, free-standing signs shall be set back a minimum of ten feet from the front property line of the parcel.

E. Other Provisions.

1. Window, awning, projecting and segmented signs shall not be allowed.
2. Signs shall not be illuminated, except if required for safety or directional signs.
3. Signs shall not be displayed on accessory buildings.

23.04.330 Signs on Non-Residential Parcels.

A. Quantity.

1. One attached or free-standing sign shall be allowed on each nonresidential parcel.

B. Size.

1. Signs shall not exceed one square foot of sign area for each eight linear feet of street frontage, up to a maximum of thirty-two (32) square feet.

C. Height.

1. Attached signs shall not be displayed higher than twelve (12) feet above grade.
2. Free-standing signs shall not be more than four feet in height.
3. Free-standing signs may be up to ten feet in height if located behind the required front setback of the zoning district.

B. Setbacks.

1. Signs shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.
2. In the case of parcels less than fifty (50) feet wide, signs shall be located as far from the side property lines of the parcel as possible.
3. Free-standing signs shall be set back a minimum of ten feet from the front property line of the parcel.

C. Other Provisions.

1. Window, awning, projecting and segmented signs shall not be allowed.
2. Signs shall not be illuminated, except if required for safety or directional signs.
3. Signs shall not be displayed on accessory buildings.

23.04.340 Temporary Signs.

- A. Unless expressly provided otherwise elsewhere, each parcel may display up to two temporary signs at any time.

- B. The following temporary signs are permitted:

1. Real Estate Signs. One temporary sign related to the lease or sale of the real property on which the sign is placed, as follows:
 - a. Such sign shall not exceed thirty-two (32) square feet in sign area on any nonresidential parcel.

- b. Such sign shall not exceed eight (8) square feet in sign area on any residential parcel.
- c. Such sign shall be removed within ten days after the property to which it refers is no longer for sale or lease.

2. Construction Signs.

- a. Construction signs related to construction on the property on which the sign is placed may be displayed fourteen (14) days prior to the commencement of construction, during construction and for a period of no longer than seven days after completion of construction.
- b. Construction signs on or attached to fences that enclose construction sites and no higher than ten feet above finished grade shall have no size limitation, subject to a maximum aggregate sign area of sixty-four (64) square feet per frontage.
- c. Construction signs not on or attached to fences shall not exceed thirty-two (32) square feet in size and shall be limited to one such sign per street frontage.

3. Other Temporary Signs. One other temporary sign may be displayed for no more than a total of two months in any calendar year, as follows:

- a. Such sign shall not exceed ten square feet in sign area on any nonresidential parcel.
- b. Such sign shall not exceed five square feet in sign area on any residential parcel.

C. In addition to the signs described in Subsections A and B above, unimproved parcels may display the following temporary signs:

- 1. One temporary sign related to the lease or sale of any real property as follows:
 - a. Such sign shall not exceed thirty-two (32) square feet in sign area on any nonresidential parcel.
 - b. Such sign shall not exceed eight square feet in sign area on any residential parcel.
 - c. Such sign shall be removed within ten days after the property to which it refers is no longer for sale or lease.
- 2. For each two hundred (200) feet of street frontage, one additional temporary sign related to the lease or sale of any real property, subject to the same requirements as set forth in Subsection C.1 above.

- D. Free-standing temporary signs may be up to ten feet in height. No greater setback than ten feet shall be required.
- E. Any temporary sign allowed on a residential parcel may be an A-frame sign.
- F. In addition to the signs described in Subsections A and B above, corner parcels in residential zoning districts may display one temporary portable A-frame sign in the adjacent public right-of-way, subject to the following conditions and all other applicable provisions of this code:
 - 1. Such sign shall be displayed on the parkstrip adjacent to the parcel, as follows:
 - a. Sign shall be placed in the area between the end of the curb return and that point along the curbline that is fifteen (15) feet distant from the end of the curb return.
 - b. Sign shall not be placed:
 - (1) In any curb return.
 - (2) In any bus stop zone.
 - (3) Within two feet of any driveway or curbcut access ramp.
 - (4) Within eighteen (18) inches of any curb where parking is allowed.
 - (5) Attached in any manner to any other structure on the parkstrip, such as, but not limited to, trees, lampposts, utility poles, utility cabinets, street or traffic signs, benches, hydrants and mailboxes.
 - 2. Such sign shall not exceed five square feet in sign area per side.
 - 3. Such sign shall not exceed three feet in height.
 - 4. Such sign may be displayed up to six hours during daylight hours.
 - 5. Such sign shall not be illuminated.
 - 6. If the parkstrip adjacent to the residential parcel is not wide enough to display the sign, or if there is no parkstrip, such sign may be displayed on the residential parcel, adjacent to the sidewalk, subject to all other requirements but not subject to setback requirements.

Part 5

BILLBOARD RELOCATION

23.04.400 Billboard Relocation.

The purpose of billboard relocation approval is to enable the removal of billboards from overimpacted areas by allowing the use of alternative sites and to enable the substitution of billboards meeting modern standards for nonconforming billboards.

Relocation approval is part of the demonstrated commitment of the City Council to the aesthetic enhancement of the City.

23.04.410 Applicability.

Any legal nonconforming billboard may be considered as a candidate for billboard relocation approval. Such billboards may be relocated to a new site or relocated on the present site only in accordance with this part.

23.04.420 Potential Relocation Sites.

- A. The applicant for a billboard relocation approval shall propose a relocation site based on the following considerations:
1. The area does not have excessive visual clutter;
 2. The proposed relocated billboard would be compatible with uses and structures on the site and in the surrounding area;
 3. The proposed site is not within six hundred (600) linear feet of residential uses, residential zones or an area which has a General Plan designation of residential;
 4. The proposed site is not within six hundred (600) linear feet of an existing billboard;
 5. The proposed site is not in an area which is actively contemplated for or actively being upgraded. Indications of such upgrading are:
 - a. A specific program for beautification or undergrounding of utilities;
 - b. A Neighborhood Business District revitalization program;
 - c. A Redevelopment Area;
 6. The proposed billboard would not create a traffic or safety problem with regard to on-site access, circulation or visibility; and

7. The proposed billboard would not interfere with on-site parking or landscaping required by City ordinance or permit.
- B. These considerations are to serve only as general guidelines for use by the applicant in the identification of potential relocation sites.

23.04.430 Candidate Billboards for Relocation.

The following considerations shall serve as general guidelines in identifying candidate billboards for relocation:

- A. Areas of general priority for removal and relocation:
 1. Downtown Core Area, as defined in the General Plan;
 2. Major thoroughfares leading into the Downtown Core Area;
 3. Streets upon which billboards are heavily concentrated and contribute to existing visual clutter;
- B. Nonconformance with the standards and requirements set forth in Section 23.04.450, including:
 1. Minimum spacing;
 2. Maximum height;
 3. Maximum surface area; or
 4. Setback from property line;
- C. Proximity to residential zoning districts or residential housing;
- D. Degree of compaction or concentration:
 1. Physical proximity to other billboards;
 2. Field of vision shared with other billboards;
- E. Physical condition:
 1. Maintenance quality (i.e., apparent aging, paint condition, general repair, etc.);

2. Appearance of structure (i.e., number of support poles, projecting components, complexity of structure);
- F. Appearance in context:
1. Compatibility with nearby buildings:
 - a. The billboard shares an immediate field of vision (from a public street) with an architecturally unusual or meritorious building or with a historic building;
 - b. The bottom edge of the billboard is higher than the roof line of an adjacent small building, particularly a one-story building; or
 2. The plane of the billboard is substantially skewed relative to adjacent building;
 - a. Billboard in conjunction with other billboards in the field of vision creates visual clutter;
 - b. The billboard contributes to existing general visual clutter and/or competes with nearby business signs and/or buildings.

23.04.440 Request for Billboard Identification.

- A. Prior to filing an application for a Planned Development Zoning pursuant to Section 23.04.480, applicant shall file a request for the identification of potential candidate billboards pursuant to Section 23.04.430. The request shall contain the name of the billboard company wishing to effectuate a relocation and the location of proposed relocation site.
- B. Within thirty days of receipt of the request, the Director shall provide the applicant with a list of three billboards owned by the company identified in the request which are candidates for relocation.
- C. The applicant shall have absolute discretion in choosing the candidate billboard for relocation from the list provided by the Director.

23.04.450 Relocation Billboard Standards.

Any billboard relocated pursuant to this part shall conform to the following standards:

- A. Height. The height of any portion of the billboard or any of its appendages, excluding temporary extensions, shall not exceed thirty-six (36) linear feet above the natural grade of the site. The natural grade shall be the average of the natural surface elevations measured within a twenty-five (25) foot radius of the center of the billboard surface. A “temporary extension” is an extension of the message surface of a billboard in

conjunction with a particular message display. A temporary extension shall not exceed the height limitation of a billboard by more than four linear feet.

- B. Width. The billboard, excluding temporary extensions, shall not at any point exceed a width of fifty (50) linear feet. Temporary extensions shall not exceed the width limitations by more than four linear feet.
- C. Area. The area of the message surface of the billboard, together with its framing, excluding temporary extensions, shall not exceed seven hundred (700) square feet. Temporary extensions to the sides and/or tops of the display shall not exceed twenty-two percent of the area of the message surface together with its framing.
- D. Street Frontage.
1. A billboard may be placed only on a parcel which has frontage on at least one public street; and
 2. Billboards which are situate on common frontage sites shall be no closer to each other than three hundred (300) linear feet, unless such billboards face in opposite directions. As used in this Subsection:
 - a. "Common frontage sites" means parcels which have frontage on the same side of the same street;
 - b. Billboards shall be deemed to be facing in "opposite directions" only if their message surfaces are facing in different directions with external angles between these directions of not less than two hundred twenty (220) degrees measured from the plane of the surfaces;
 - c. The distance between billboards shall be the distance, measured linearly along the centerline of the street on which the common frontage sites each have frontage, between perpendicular lines drawn to the centerline of the street from such billboards at the points of the billboards closest to each other.
- E. Location Away from Highways or Freeways.
1. No billboard shall be located less than six hundred sixty (660) linear feet from the existing or proposed right-of-way (including interchanges and ingress and egress ramps) of any existing or proposed landscaped freeway, if the message surface of such billboard could be read by persons traveling on such landscaped freeway. Such existing and proposed freeways include, but are not limited to, the following:
 - a. State Routes 85, 87, 280 and 237;
 - b. U.S. Route 101 (bypass), southerly of Ford Road.

2. No billboard shall be placed within five hundred (500) linear feet from another billboard on the same side of any interstate highway or freeway.
- F. Illumination. Billboards may be illuminated by continuous lighting. Their light source shall not have appendages which protrude more than eight linear feet from the wall on which the billboard is mounted or from the message surface of a free-standing billboard.
- G. Setback. Free-standing billboards shall be set back from abutting streets in accordance with the most stringent of the following requirements:
1. The setback requirements of Chapter 20.10;
 2. The setback requirements of Sections 20.40.200 to 20.40.310 of Title 20; or
 3. The setback from preexisting buildings on abutting sites specified hereinafter:
 - a. If the closest preexisting building on each of the abutting sites is within two hundred (200) linear feet of a proposed free-standing billboard, the billboard shall be set back from the abutting street behind the shortest line which can be drawn between those preexisting buildings from the exterior wall (including the edge or corner) of each which is closest to and exposed toward the streetline; or
 - b. If only one abutting site has any preexisting building within two hundred (200) linear feet of the proposed billboard, then setback from the abutting street shall be at least equal to the distance between the streetline and the closest preexisting building on the abutting street.
 - c. An “abutting site” for purposes of Subsection 23.04.450.G.3 is a parcel which abuts both the parcel on which the proposed billboard will be situated and the street from which the billboard is to be set back.

23.04.460 Owners Agreements.

As part of the application for billboard relocation the applicant shall submit to the City a recorded agreement between the owner of the property from which the billboard is proposed to be removed and the applicant, which expresses the concurrence or acquiescence of said owner to the relocation.

23.04.470 On-Site Relocation.

An applicant may propose on-site relocation approval. Any billboard so relocated shall conform to the standards set forth in Section 23.04.450. This provision shall not be construed to permit continuation of a billboard on a vacant lot being developed.

23.04.480 Relocation.

- A. Billboard relocation shall be permitted only pursuant to a Planned Development Zoning in accordance with the provisions of Chapter 20.120 of Title 20.
- B. The application for Planned Development Zoning for billboard relocation shall specify the location of the billboard which is the candidate for relocation selected by the applicant, pursuant to Section 23.04.430.C.
- C. In addition to the billboard, the Planned Development Zoning shall incorporate all of the uses, rights and limitations of the existing base zoning or Special Sign Zone as those may be amended from time to time in this code.

23.04.490 Removal.

The billboard which is approved for relocation must be removed from the original site prior to construction or installation of the billboard pursuant to the Planned Development Zoning.

23.04.495 Billboard Height Alteration Agreements.

- A. Notwithstanding the foregoing provisions of this Part, nothing in this Part shall prohibit the City, a billboard owner, and the owner of the real property upon which the billboard is located from all entering into a contractual arrangement to allow for an alteration in height of an existing, legal nonconforming billboard in exchange for the removal of other legal nonconforming billboards in the City when the contract meets all of the following minimum criteria:
 - 1. The contract does not permit nor allow for the erection, defined in Section 23.02.160, of any new billboard nor increase the number of billboard panels located in the City; and
 - 2. Fulfillment of the contractual obligations shall result in a net reduction of the number of billboards located in the City that are not otherwise already scheduled for removal by the real property owner or billboard owner or through final order of condemnation other order of a court of competent jurisdiction; and
 - 3. The contract provides for the removal of any and all billboards to be removed under the contract prior to or concurrently with effecting any change in the height of the existing legal nonconforming billboard; and
 - 4. The contract does not allow the height of any billboard, or any of its appendages, to exceed fifty (50) feet, measured from the natural grade of the site; and
 - 5. The contract contains language satisfactory to the City Attorney under which the billboard owner and/or real property owner agree to release and indemnify the City from any and all potential liability and damages resulting from work performed and

services rendered under the contract and language satisfactory to the Risk Manager under which the billboard owner and/or real property owner agree to acquire and maintain appropriate insurance policies related to the work to be performed and services provided under the contract.

- B. The City Council shall not approve a proposed contract unless the City Council makes all of the following findings regarding contract:
1. The proposed contract meets all of the criteria set forth in Subsection 23.04.495.A; and
 2. The contractual provisions are consistent with the City's General Plan and the purposes of this Part and this Title; and
 3. Fulfillment of the provisions of the contract would result in an overall reduction of visual clutter and visual blight in the City; and
 4. Fulfillment of the provisions of the contract will preserve or further the public health, safety and welfare.
- C. Any alteration to the height of an existing billboard shall be processed and permitted only through a sign adjustment permit issued in accordance with the provisions of this Title, including without limitation the provisions regarding the alteration of a legal nonconforming sign set forth in Part 3 and Part 4 of Chapter 23.02; provided, however, that the Director may issue a sign adjustment permit only after making the findings required by Section 23.02.1340 and also finding that the sign adjustment permit application is consistent with the applicable billboard height alteration contract approved by the City Council.
- D. The resulting billboard shall remain a legal nonconforming billboard for so long as the erection and maintenance of the resulting billboard is in full compliance with the terms and conditions of the contract and sign adjustment permit issued therefor.
- E. Any billboard removed pursuant to the provisions of this Section shall be processed and permitted only through an adjustment permit issued in accordance with the provisions of Section 20.100.500.
- F. The City Council may approve such a contract and the Director may issue the required permit(s), all in accordance with its normal and existing practices, policies and procedures. Under no circumstance shall any person have the right to have a contract executed to allow for an alteration in the height of an existing legal nonconforming billboard in exchange for the removal of other billboards in the City under the provisions of this Section. Nothing contained in this Section shall, in any event or under any circumstances, be deemed or construed to confer upon any person the right to have such a contract executed by the City.

- G. Notwithstanding the provisions of Section 23.02.870, the Director of Planning, Building and Code Enforcement, or other person designated by the City Manager, shall administer the provisions of this Section and, for each proposed contract, provide a report of the City Council on the criteria set forth in Subsection 23.04.495.A above and on the facts and analyses pertaining to the findings required under Section 23.04.495.B above, as well as a recommendation to the City Council on each proposed contract.
- H. The billboard owner or real property owner shall pay to the City the applicable fees to administer and process the provisions of this Section. The fees required to be paid under this Section shall be as set forth in the Schedule of Fees established by resolution of the City Council. Such fees shall be charged to cover the cost of preparing maps, publishing and distributing of notices, performing environmental review, and other administrative expenses necessarily incurred to administer the provisions of this Section. No part of such fees shall be returned because of the disapproval or denial of any contract or permit.

Part 6

ROTATING MESSAGE BILLBOARDS

23.04.500 Purpose.

The purpose of this part is to establish a pilot program enabling the City Council, at its discretion, to permit a limited number of existing billboards to be converted to three-panel rotating message billboards compatible with the aesthetic goals of the City, to ensure that such rotating message billboards do not create visual clutter, visual blight or adversely impact traffic or pedestrian safety, and at the same time to reduce the total number of billboards in the City. This pilot program is part of the demonstrated commitment of the City Council to the aesthetic enhancement of the City.

23.04.510 Definition of Rotating Message Billboard.

A rotating message billboard is a poster panel billboard of approximately three hundred (300) square feet in sign area which has rotating panels with a maximum of three message faces.

23.04.520 Pilot Program.

- A. This part is intended to be a pilot program. This part shall remain in effect until **August 1, 1994**, or until the number of billboards specified in Subsections B and C below have been permitted, whichever first occurs.
- B. A maximum of twenty existing billboards will be permitted to convert in accordance with this part, provided that for each existing billboard so converted, one other billboard is first removed.
- C. In addition to the twenty conversions to rotating message billboards pursuant to Subsection B, a maximum of ten additional existing billboards will be permitted to convert, provided that for each existing billboard so converted, one other billboard is first removed and three additional existing billboards are improved in a manner satisfactory to the City Council so that the sign area of each of the three improved billboards is reduced by approximately twenty percent.
- D. The termination of this pilot program shall not terminate any permit issued for any rotating message billboard prior to the termination of the pilot program. Such rotating message billboards shall become legal nonconforming signs upon termination of the pilot program.

23.04.530 General Requirements.

- A. No billboard may be converted to a rotating message billboard except as expressly permitted by a Planned Development (PD) rezoning adopted at the discretion of the City Council, in accordance with Chapter 20.60.
- B. Each such PD rezoning application shall be accompanied by:
 - 1. A City-wide map identifying the location of all existing billboards owned and/or maintained by the applicant;
 - 2. The location of the billboard proposed for removal;
 - 3. If applicable, the location of the three additional billboards proposed for sign area reduction; and
 - 4. A release and indemnification agreement holding the City harmless from any claim or action brought by a property owner of a parcel where the applicant is removing an existing billboard pursuant to this part.
- C. Rotating message billboards located on the same street shall not be closer to each other than two thousand linear feet. Such distance shall be measured linearly along the centerline of the street on which the billboards are located, between perpendicular lines drawn to the centerline of the street from such billboards at the points of the billboards closest to each other.
- D. No PD rezoning which approves a rotating message billboard shall result in a net increase of more than one message surface in the City.
- E. No rotating message billboard shall have a sign area larger than three hundred square feet.
- F. The PD permit for a rotating message billboard shall set forth conditions minimizing sign movement and distraction for vehicular traffic.
- G. No PD rezoning for conversion of a billboard to a rotating message billboard shall be approved unless the City Council concurrently approves the billboard proposed for removal and, if applicable, the three additional billboards proposed for sign area reduction.

23.04.540 Removal and Reduction.

- A. No PD permit for a rotating message billboard shall be effective until the removal of the designated billboard and, if applicable, the sign area reduction of all three billboards is completed.

- B. In approving the proposed billboard for removal, the City Council shall determine, based on assurances by the applicant, that the billboard proposed for removal is not likely to be subject to removal for reasons other than the pilot program established by this part, for example, that the billboard is not proposed to be converted in lieu of just compensation in connection with an eminent domain proceeding.
- C. Although this pilot program is intended to be for a three-year period, it will be subject to review one year after its adoption and may be repealed, amended or extended if the council so desires.

Part 7

TEMPORARY SIGNS

23.04.600 Temporary Signs.

- A. In addition to permanent signage allowed elsewhere in this Title, temporary signs may be displayed in accordance with the provisions set forth in this part.
- B. Temporary signs in the public right-of-way are governed by Part 9 of this chapter.
- C. Temporary signs in the Airport Sign Zone are governed by Section 23.04.240 of this Title.
- D. Temporary signs in the OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M, and R-MH Zoning Districts and for residential uses in other zoning districts and in special zones are governed by Section 23.04.340 of this Title.
- E. Temporary signs that are election signs are governed by Part 8 of this chapter.

23.04.610 Temporary Sign Standards.

- A. Unless expressly provided otherwise elsewhere, no more than two temporary signs may be on display at any one time for each occupancy frontage.
- B. Permissible temporary signs include:
 - 1. One temporary sign not larger than five square feet in sign area may be displayed for up to a total of eight months in any calendar year.
 - 2. One temporary sign larger than five square feet but not larger than ten square feet in sign area may be displayed for up to a total of three months in any calendar year.
 - 3. Any building with a building footprint of five thousand (5,000) square feet or more may display one temporary sign larger than ten square feet in sign area for up to forty-five (45) days in any calendar year, as follows:
 - a. Such sign shall not be larger than sixty-five (65) square feet.
 - b. Such sign may consist of noncontiguous segments placed on more than one frontage of the building but the aggregate sign area of all segments may not exceed sixty-five (65) square feet.

4. Any building with a building footprint of twenty thousand (20,000) square feet or more may display one temporary sign larger than ten square feet in sign area for up to forty-five (45) days in any calendar year, as follows:
 - a. Such sign shall contain only noncommercial messages.
 - b. Such sign may consist of noncontiguous segments placed on more than one frontage of the building.
 - c. No sign or sign segment on any frontage shall be larger than one hundred twenty-five (125) square feet in sign area.
 - d. Such sign may be an animated sign.
5. One temporary sign related to the lease or sale of the real property on which the sign is placed and not larger than forty (40) square feet in sign area may be displayed. Such sign shall be removed within ten days after the property is no longer for lease or sale.
6. One or more construction signs related to construction on the property on which the sign is placed may be displayed as follows:
 - a. Construction signs may be displayed one hundred eighty (180) days prior to the commencement of construction, during construction and for a period no longer than thirty (30) days after completion of construction; and
 - b. Construction signs attached to fences that enclose the construction site and no higher than ten feet above finished grade may be of any size; and
 - c. In the Downtown Sign Zone, construction signs, whether or not the signs are attached to fences that enclose the construction site, shall not exceed three hundred (300) square feet each in sign area, may be up to twenty-four (24) feet in height and shall be limited to one such sign per street frontage, except that two allowed signs may be joined together at the corner of a corner parcel to form one larger sign which shall not exceed six hundred (600) square feet in sign area; and
 - d. In CO, CP, CN, CG, IP, LI, and HI Zoning Districts and Neighborhood Business Districts, construction signs not attached to fences that enclose the construction site shall not exceed one hundred twenty-eight (128) square feet each in sign area and shall be limited to one such sign per street frontage; and
 - e. In CO, CP, CN, CG, IP, LI, and HI Zoning Districts and Neighborhood Business Districts, construction signs attached to fences that enclose the construction site that are located higher than ten (10) feet above finished grade shall meet all of the following criteria:

- (1) Shall not exceed a size equal to one-hundred (100) square feet of sign area;
and
- (2) Shall be limited in number to one such sign per street frontage for every two hundred (200) linear feet of perimeter construction fence along a street frontage; and
- (3) Shall be located no higher than twenty-five (25) feet above finished grade; and

f. Construction signs shall not be illuminated.

C. In addition to the signs described in Subsections A and B above, unimproved parcels may display the following temporary signs:

1. One temporary sign related to the lease or sale of any real property, as follows:
 - a. Such sign shall not exceed forty (40) square feet in sign area.
 - b. Such sign shall be removed within ten days after the property to which it refers is no longer for sale or lease.
2. For each three hundred (300) feet of street frontage, one additional temporary sign related to the lease or sale of any real property, subject to the same requirements as set forth in Subsection C.1 above.
3. By permit in accordance with all requirements of Part 4 of Chapter 23.02 of this Title, one temporary sign larger than forty (40) square feet and related to the sale or lease of any real property may be approved as follows:
 - a. Such sign shall be permitted for the shorter period of three years or ten days after the property to which it refers is no longer for lease or sale.
 - b. Maximum size shall conform to the size allowable in the zoning district for a permanent sign on a parcel of that size.
4. The provisions of this Subsection C shall not apply in the Downtown Sign Zone.

D. Temporary signs may be free-standing or attached and, except with regard to construction signs or unless otherwise stated, shall also conform to any requirements for permanent signs in the zoning district or sign zone where located.

E. Unless expressly provided otherwise elsewhere, free-standing temporary signs may be up to ten feet in height. No greater setback than ten feet shall be required.

F. Temporary signs may not be affixed to the outside surface of a window.

Part 8

ELECTION SIGNS

23.04.700 Election signs.

- A. This part shall govern standards for temporary signs that are election signs.
- B. In its regulation of election signs, it is the intent of the City to achieve a fair and reasonable accommodation between the public's interest in the full and vigorous debate of election issues and the community's interest in public order, cleanliness and community aesthetics. Election signs, which are unreinforced paper products, are relatively inexpensive. As a result, without reasonable regulation, the community could be inundated by their profusion prior to elections and by their litter after elections. Election signs also are particularly susceptible to the effects of the elements. It is the City's intent in regulating election signs to control the proliferation of urban clutter but to be no more restrictive than necessary and not to unduly restrict the public's right to communicate about election issues.
- C. Nothing herein precludes the use of other signs allowed in accordance with the provisions of this Title to convey political and/or election messages.

23.04.710 Definition of Election Signs.

- A. As used in this Title, "election sign" is a sign:
 - 1. Designed, used or intended to induce voters to vote for either the passage or defeat of a measure appearing on the ballot of any election, or for either the election or defeat of a candidate for nomination or election to any public office in any election; and
 - 2. Constructed of unreinforced cardboard, paper or similar product; and
 - 3. Includes without limitation banners, campaign signs, posted handbills and notices of any kind.
- B. Any sign not meeting the definition set forth in Subsection A above shall not be deemed an election sign for purposes of this Title, regardless of message.

23.04.720 Quantity, Size and Placement of Election Signs.

- A. Unless otherwise expressly provided in this part, the quantity, size and location of election signs shall be governed by the requirements for temporary signs in the zoning district or sign zone where located.

- B. Election signs of ten square feet or less that are displayed in accordance with this part may be displayed during the time periods set forth in Section 23.04.760 of this part and shall not be counted toward any time limits for temporary signs in the zoning district or sign zone where located.

23.04.730 Prohibited on Public Property.

- A. No person shall erect or display, or cause or authorize any person to erect or display, any election sign on public property.
- B. The provisions of Sections 23.04.840, 23.04.850, and 23.04.860 shall apply to election signs posted on public property.

23.04.740 Private Property - Authorization by Owner.

No person shall erect or display, or cause or authorize any person to erect or display, any election sign on any property not owned or controlled by such person, unless authorized to do so by the owner or other person in control of such property.

23.04.750 Election Signs in Residential Districts and for Residential Uses.

Election signs in residential districts and for residential uses in other zoning districts and in special sign zones:

- A. Shall not be illuminated.
- B. If an attached sign, shall not extend above the eaves of the building or structure where located.
- C. If a free-standing sign:
 - 1. Shall not exceed six feet in height; and
 - 2. No setback shall be required.

23.04.760 Time Limit for Display of Election Signs.

- A. Election signs may be displayed in connection with an election beginning on the first day after the opening of the nomination period for the election and continuing up to ten days after the date of the election.
- B. All election signs shall be removed from the parcel where erected or displayed within ten days after the date of the election to which they pertain.

- C. Notwithstanding Subsections A and B above, if election signs pertain not only to a primary election but also to a succeeding general election, they may be displayed until the general election and shall be removed within ten days after the date of general election.
- D. The timely removal of election signs shall be a joint and several obligation of:
 - 1. Each person who erects or displays an election sign;
 - 2. Each person who causes or authorizes the erection or display of such sign; and
 - 3. The owner or other person in control of the property where such sign is erected or displayed.

23.04.770 Removal of Election Signs from Public Property.

- A. Election signs on public property may be removed without notice pursuant to Section 23.02.880 of this Title.
- B. The Director shall cause a list of election signs removed from public property to be filed with the City clerk, for public information.

23.04.780 Liability for Election Signs.

Every person who undertakes an election campaign shall be responsible to ensure that all signs posted in furtherance of that campaign are posted in full accordance with this Title and shall be presumed responsible, as set forth in Section 23.04.840, for any illegal election signs posted in furtherance of the campaign.

Part 9

PUBLIC RIGHT-OF-WAY SIGNS

23.04.800 Application.

- A. This part shall govern standards for signage in public rights-of-way.
- B. Signs in parks and plazas shall only be subject to these regulations if such signs are visible from an abutting street or alley.

23.04.810 Only City May Post.

- A. Unless otherwise expressly allowed in this part, no one may post public right-of-way signs except the City.
- B. The Redevelopment Agency may post signs in public rights-of-way in the Downtown Sign Zone, but only after the review required by Section 23.04.820.A.
- C. Nothing in this part shall prohibit the painting or applying of street address numbers on curbs otherwise expressly allowed in this code.

23.04.820 General Provisions.

- A. Unless otherwise expressly provided in this Title, all public right-of-way signs shall be reviewed in advance by the Director. To the extent applicable, Encroachment Permits may be required.
- B. All traffic control devices in the public right-of-way shall be approved in advance by the Director.
- C. All signs in public streets or public alleyways must comply with state traffic guidelines.
- D. Public right-of-way signs which create traffic or pedestrian safety hazards are prohibited.
- E. Unless expressly allowed in this part, public right-of-way signs may be illuminated only with continuous external or internal lighting.
- F. Permanent architectural elements installed by the City or the Redevelopment Agency in the public right-of-way, such as, but not limited to, architectural gateways, monument gateway signs or other street furniture, shall not be subject to these regulations.

- G. Temporary signs posted at events for which a City permit has been issued for the exclusive use of a specified location in the public right-of-way shall not be subject to these regulations, to the extent posted during the event and within the approved boundaries of the event.

23.04.830 Types of Signs Allowed.

- A. Safety or Directional Signs. Safety or directional signs may be posted by public entities or public utilities as necessary for public safety or welfare. Such signs may be animated.
- B. Automobile Parking Lot Signs.
 - 1. Operators of automobile parking lots may apply to the Director of the Department of Planning, Building and Code Enforcement for a permit to place up to two safety or directional signs in the public right-of-way per lot entrance. The Director may authorize such signs, and additional safety or directional signs, if the Director determines they are necessary for direction of vehicular traffic.
 - 2. Each such sign:
 - a. Shall not exceed nine square feet in sign area for each sign face.
 - b. Shall be clearly legible to parking lot vehicular traffic; letters shall be at least four inches in height.
 - c. Shall be located so as not to block or interfere with pedestrian or vehicular traffic, or parking or loading areas. A minimum width of unobstructed sidewalk clearance of four feet must be maintained for pedestrian traffic.
 - d. Shall be located only in the public right-of-way abutting the automobile parking lot.
- C. Public Information Signs. Public information signs may be displayed in the public right-of-way by the City or Redevelopment Agency subject to the following:
 - 1. Free-standing Public Information Signs.
 - a. Free-standing public information signs:
 - (1) Shall not exceed sixteen (16) feet in maximum height of sign face.
 - (2) Shall not exceed thirty-two (32) square feet in sign area for each sign face.

- b. Free-standing public information signs shall not be located within twenty-five (25) feet of another free-standing public information sign. However, multiple free-standing public information signs may be located on the same supporting structure.

2. Banner Public Information Signs.

- a. Banner public information signs shall be either cable-hung banners or vertical banners.
- b. Banner public information signs shall not be located within forty (40) feet of another banner public information sign; however, multiple banner public information signs may be located on the same supporting structure.
- c. No vertical banner public information sign shall exceed twenty-eight (28) square feet in size.
- d. No cable-hung banner public information sign shall be less than sixteen (16) feet in height at mid-span or at its lowest point.
- e. All cable-hung and vertical banner public information signs shall be attached to supporting structures capable of withstanding sixty (60) miles per hour continuous wind loads without deflections or rotations that would cause deformation, failure or other damage to such structures.

D. Parks. In addition to signs allowed by Subsection C above, public parks also shall be allowed the following signs:

- 1. Flat-mounted public information signs that do not exceed thirty-two (32) square feet in sign area.
- 2. Portable public information signs that do not exceed thirty-six (36) square feet in sign area for each sign face.
- 3. Educational displays shall not be subject to these regulations.

E. Kiosks. Public information signs also may be displayed by the City or Redevelopment Agency on kiosks or kiosk-like structures located in the public right-of-way, subject to the following regulations:

- 1. Sign area on kiosks shall not exceed thirty-six (36) square feet per kiosk face and shall not be located more than seven feet in height above grade.
- 2. Signage may be animated and/or may be illuminated with continuous external or internal lighting.

3. Signs shall not be displayed on kiosks located within forty (40) feet of another kiosk upon which signs are displayed.
4. A minimum width of unobstructed sidewalk clearance of four feet shall be maintained for pedestrian traffic.

F. Flags. Flags may be displayed in the public right-of-way by the City or Redevelopment Agency subject to the following regulations:

1. Flags, other than U.S. flags, shall be displayed on flagpoles or attached securely to lampposts.
2. U.S. flags shall be displayed in accordance with all applicable federal laws and regulations.
3. Location of flags shall not create visual clutter or visual blight in combination with other permanent signage within a thirty (30) foot radius of such flags.
4. More than one flag may be displayed on a flagpole.

G. Construction Signs.

1. Temporary construction signs may be posted in connection with construction projects in the public right-of-way.
2. Such signs may be displayed up to sixty (60) days prior to the commencement of construction and during construction and shall be removed within thirty (30) days after completion of construction.
3. Such signs shall not be illuminated unless required for public safety and shall be limited in size and number to those required for public safety and information.

H. Temporary A-Frame Signs in Residential Zoning Districts.

1. Temporary portable A-Frame signs may be displayed in public rights-of-way in residential zoning districts as provided in Section 23.04.340 of this code.
2. Such temporary A-Frame signs shall not require review and advance approval.

I. Temporary A-Frame Signs.

In the Downtown Sign Zone and in the Willow Glen and Alameda Neighborhood Business Districts, as defined by the San Jose 2020 General Plan as amended from time to time, adjacent property owners may allow temporary portable A-Frame signs in public rights-of-way, subject to the following conditions and all other applicable provisions of this code:

1. One temporary A-Frame sign may be allowed per each separate nonresidential occupancy frontage having an entryway on the public right-of-way.
2. Each such sign:
 - a. Shall not exceed eight square feet in sign area per side.
 - b. Shall have a minimum height of three feet and a maximum height of any part of the sign of four feet, subject to the provisions of Section 23.02.1160 of this code.
 - c. Shall have a maximum width of any part of the sign of two feet.
 - d. Shall be displayed only during the daylight business hours of the adjacent occupancy frontage.
 - e. Shall not be illuminated.
 - f. Shall be constructed of durable materials that are weather- and rust-resistant and shall have a neat and professional appearance.
 - g. Shall be located as follows:
 - (1) Subject to all other requirements of this code, a temporary A-Frame sign shall be located only in that area between eighteen (18) inches and four feet from the curb face, except that on any sidewalk area where light rail transit mall tracks are located, a temporary A-Frame sign shall be located only in that area between four feet six inches and seven feet from the light rail track nearest the buildings.
 - (2) No temporary A-Frame sign shall be located:
 - (a) Within fifteen (15) feet of any bus stop zone or light rail stop zone, or within fifteen (15) feet of any bus stop furniture or light rail stop furniture, whichever distance is greater;
 - (b) Between light rail tracks and curb;
 - (c) Within two feet of any driveway or curb cut access ramp;
 - (d) Adjacent to or within four feet of any disabled parking zone;
 - (e) Attached in any manner to any other structure on the sidewalk, such as, but not limited to, trees, lampposts, utility poles, street or traffic signs, benches, hydrants, utility cabinets, and/or mailboxes;

(f) On streets where light rail transit mall is located, within three feet of any other structure on the sidewalk, such as, but not limited to, trees, lampposts, utility poles, street or traffic signs, benches, hydrants, utility cabinets, and/or mailboxes; or

(g) On any median strip.

(3) In the case of a temporary A-Frame sign on a sidewalk that is adjacent to a street parking space (other than a disabled parking zone), the sign may be located only in that area on the sidewalk that is within five feet of the beginning or end of the parking space, as indicated by the lines on the street that mark the parking space.

(4) Sign shall not obstruct the normal flow of pedestrian traffic.

(5) Anything in this Subsection I to the contrary notwithstanding, if the sidewalk adjacent to the occupancy frontage is not wide enough to display the temporary A-frame sign and there is a parkstrip, such sign may be displayed on the parkstrip, subject to all other conditions in this Subsection I.

3. Temporary A-frame signs which conform to this Subsection I shall not require advance review and approval.

J. Temporary Directional Signs in Parkstrips by Permit.

1. A transitory use may apply to the Director of the Department of Planning, Building and Code Enforcement for a permit to place temporary directional signs in parkstrips.
2. For purposes of this Subsection J, a “transitory use” shall mean a use that is not a permanent or regular use at a location and is distinct and different from the continuing use at the location.
3. Each sign permit:
 - a. May be for up to fifty (50) signs directing traffic to the transitory use.
 - b. May be issued either (1) in conjunction with a development permit issued pursuant to Chapter 20.100, or (2) as a separate sign permit issued pursuant to Section 23.02.1330 for one year and renewable upon application for renewal within thirty (30) days prior to expiration and payment of a new permit fee.
 - c. Shall require insurance naming the City as an additional insured, in coverage amounts and types as required by the City risk manager.
 - d. Shall require indemnification of the City by the permittee.

- e. Shall provide that any sign may be removed by City if necessary for maintenance activities or safety considerations.
 - f. Shall provide (1) that any sign may be placed on a parkstrip only with the consent of the property owner and/or occupant of the parcel adjacent to the parkstrip where the sign is placed, and (2) that the property owner and/or occupant of the parcel adjacent to the parkstrip where the sign is placed may remove such sign.
 - g. Shall be revocable by the City upon ninety (90) days notice, or at any time for safety considerations.
4. Each sign:
- a. Shall consist of a sign area no larger than four square feet per side.
 - b. Shall be constructed of flexible and weatherproof plastic or reinforced paper material that is firmly affixed to a plastic or wooden stake. The top end of the stake shall be flat or rounded and shall not be pointed.
5. Signs may be displayed in the period from 5:00 p.m. on Friday to 8:00 a.m. on Monday, and on holidays from 5:00 p.m. on the day prior to the holiday to 8:00 a.m. on the day following the holiday. Stakes must be removed when signs are removed.
6. Signs shall be securely positioned and shall be either:
- a. Staked into the ground; or
 - b. Attached to poles or posts by means of at least two plastic strips that are a minimum of one-quarter inch wide (commonly known as “cable ties”), provided however that no sign may be attached to any traffic signal light post or to any pole or post displaying a traffic sign.
7. Signs shall not be located:
- a. Within one hundred feet, on the same public right-of-way and facing in the same direction, of another sign directing traffic to the same transitory use, except that two signs may be located on the same public right-of-way and facing in the same direction within fifty (50) feet of an intersection if the signs are directing traffic to turn at the intersection.
 - b. Within eighteen (18) inches of curb along any curb where parking is allowed.
 - c. In any bus stop zone.
 - d. So that any part of sign extends into any bus stop zone or sidewalk area.

- e. Within two feet of a driveway or curbcut access ramp.
 - f. On medians.
 - g. Along State or County rights-of-way without State or County approval.
 - h. In the Downtown Sign Zone or Airport Sign Zone.
 - i. Attached in any manner to any other structure on the parkstrip, such as, but not limited to, trees, lampposts, utility poles, utility cabinets, street or traffic signs, benches, hydrants, and mailboxes, except as expressly allowed in Subsection 5 above.
8. Other regulations:
- a. Maximum height of any part of sign while displayed shall be four feet.
 - b. Signs may contain only messages directing vehicular or pedestrian traffic to the transitory use.
 - c. Signs shall not be illuminated.

23.04.835 Transit Bus Shelter Signs.

- A. Signage may be displayed on bus shelters installed at bus stops by the Santa Clara county transit district, as follows:
 - 1. Signage as necessary to convey transit information; and
 - 2. Other signage of up to forty-eight (48) square feet in sign area per bus shelter.
- B. Such signage:
 - 1. May be displayed only in accordance with terms and conditions set forth in a contractual agreement between the City and the transit district; and
 - 2. Shall not otherwise be subject to this Title.

23.04.840 Presumption of Responsible Party.

- A. Each of the following persons is presumed to be responsible for the posting of an illegal sign, including without limitation an election sign, on public property:
 - 1. Any person whose name appears on the sign; and

2. Any person retained to post or distribute such signs.
- B. More than one person may be deemed responsible for the placement of the same sign.

23.04.850 Charges for Removal of Illegal Signs on Public Property.

- A. All persons responsible for an illegal sign posted on public property, as well as any person who actually posted the sign, shall be jointly and severally liable for the costs of the City for the removal of such sign from public property, plus late payment penalties and interest, as set forth in the schedule of fees adopted by resolution of the City Council. Such charges shall be in addition to all other legal remedies, criminal, civil, and administrative, which may be pursued by the City to address any violation of this code.
- B. A bill of charges shall be served upon a responsible party by the Director of the City Department which removed the sign in accordance with Sections 1.04.140 of this code within thirty (30) days after the removal of the sign(s) from the public property.
- C. Payment shall be due as provided in the bill of charges.
- D. The total amount of the bill of charges, plus late payment penalties and interest, if any, shall be deemed to be a civil debt to the City and the City may take such action to recover such charges as the City is authorized to do by law for the recovery of a civil debt.

23.04.860 Hearing on Removal Costs.

- A. The bill of charges shall include a notice of the right of the person being charged to request a hearing before the appeals hearing board to dispute the imposition of the charges.
- B. Any request for a hearing to dispute the imposition of charges must be in writing and received by the secretary of the appeals hearing board within ten days of the date of service of the bill of charges and shall include a statement of the reasons and grounds upon which the dispute is based.
- C. The hearing shall be conducted in conformance with Part 29 of Chapter 2.08 of Title 2 and the rules and regulations of the Appeals Hearing Board.
- D. The decision of the Appeals Hearing Board shall be final.

Part 10

PUBLIC BENEFIT GATEWAY SIGNS

23.04.1000 Public Benefit Gateway Signs.

- A. A “Public Benefit Gateway Sign” shall mean a sign located at or near the boundary of an established business area of the City and solely identifying the traditional name of the business area.
- B. In addition to other signs authorized in this Title, the Director may approve a Public Benefit Gateway Sign on private property in accordance with this part.

23.04.1010 Permit Required.

- A. A permit application shall be filed in accordance with the requirements of Part 4 of Chapter 23.02.
- B. The permit fee shall be as set forth in the schedule of fees adopted by resolution of the City Council.

23.04.1020 Findings for Approval.

In addition to other findings required in Part 4 of Chapter 23.02, Public Benefit Gateway Signs shall be approved only if the Director finds all of the following:

- A. The sign identifies the entry into an established business area; and
- B. The size, type and location of the sign are compatible with the neighborhood or area in which the sign will be located; and
- C. The sign serves to enhance the identification of the business area; and
- D. The proposed gateway name is the established, traditional name of the business area; and
- E. The sign will enhance the identification of the business area; and
- F. The sign will benefit all businesses within the business area.

23.04.1030 Standards.

- A. Public Benefit Gateway Signs shall be illuminated only with illumination allowed under this Title in the zoning district or sign zone where the sign is located.

- B. Public Benefit Gateway Signs, approved as provided in this part, shall not reduce otherwise allowable signage for the property where the sign is located.
- C. Public Benefit Gateway Signs, approved as provided in this part, shall not be subject to the size, type or location restrictions set forth for the zoning district or sign zone where the sign is located.